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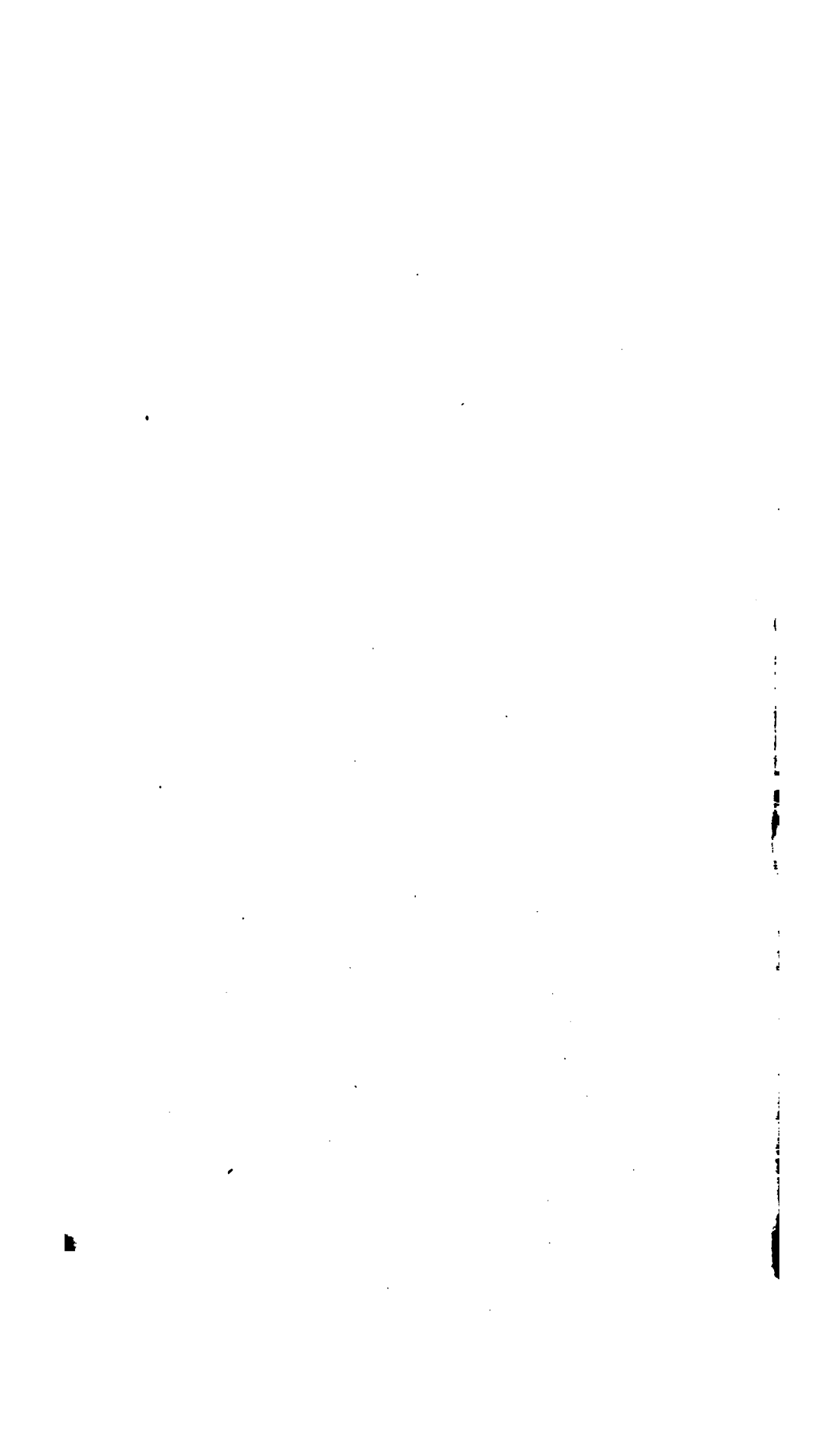


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FROM

Alfred Ronald Conkling,
of New York
25 March, 1896.





REPORT AND PROCEEDINGS
OF THE
SENATE COMMITTEE
APPOINTED TO INVESTIGATE
THE POLICE DEPARTMENT
OF THE
CITY OF NEW YORK.

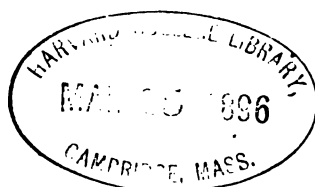
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Alfred R. Bonking
New York ✓

INVESTIGATION
OF THE
POLICE DEPARTMENT
OF THE
CITY OF NEW YORK.

Proceedings from June 29 to October 18, 1894.

By Chairman Lexow:

Q. How did you come to pay that first? A. Well, he came up in uniform, and he did not state his business first off, and he wanted to see Mr. Potter, and, after seeing Mr. Potter, I saw him, and Mr. Potter told me what it was about, and gave me the money, and I handed it to the policeman.

Q. Did you have any conversation with him about it? A. We did.

Q. The first time when the first demand was made? A. Yes; you mean the policeman?

Q. Yes; what did the policeman say? A. He did not say what it was for, and he wanted to see Mr. Potter particularly.

Q. And the conversation was had with the principal? A. Yes, sir; and afterward he made no bones about it, and spoke to me, too.

Q. And came upstairs and spoke to you directly? A. Yes, sir; spoke to me directly; came right upstairs and spoke to me.

Mr. Goff.—I wish to say, Mr. Chairman and Gentlemen, that we have a large number of sailmakers. We do not wish to take up the time of the committee for this evening any further in that direction, but I state it as a fact that that is the uniform custom all through the district occupied by the sailmakers. We have simply selected these few witnesses so as to prove the existence of that fact before the committee. Any gentlemen here from South street, sailmakers, are excused.

Chairman Lexow.—I do not see any necessity of amplifying that fact, without it is disputed.

Mr. Goff.—We have ascertained it is the uniform custom down there.

Mr. Nicoll.—No names have been mentioned. They have not mentioned any officers, or any individual, as having received any money.

Chairman Lexow.—No; but places have been given, and the officers on the beat there have been named, while firm names have been mentioned that have been designated as having paid the money.

Antoine Zucca, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. I am a fruit broker.

Q. Are you the president of any society of fruit sellers? A. I am the president of the Italian Fruit Dealers' Association.

Q. Now, as president of the Italian Fruit Dealers' Association, do you not know it as an existing fact that the Italian fruit dealers of New York have to pay for their fruit-stands on the sidewalk to the police?

(Objected to; objection overruled.)

Mr. Goff.—I am asking as to his knowledge.

The Witness.—Generally, all the complaints they make to me about paying something to the police.

Mr. Nicoll.—I move to strike it out.

By Chairman Lexow:

Q. You mean to say you are the headquarters to which they go to make their complaint? A. Generally, they make the complaint to me about when they did pay something to the police.

Q. In your official capacity as president of the association? A. Generally, when they are in trouble, they all come to me to get some help.

Q. As president of the association? A. Of the association.

By Mr. Goff:

Q. And it is the general custom among them that they have to pay the police, isn't it? A. They generally say so.

Mr. Goff.—No further question.

Mr. Nicoll.—I don't think evidence of that sort ought to be dignified as testimony.

Chairman Lexow.—We take it for what it is worth. I don't think it is strong evidence.

By Senator Bradley:

Q. Do you know of the fact of anyone of them having to pay money for protection, for the privilege of keeping their stands on the sidewalk; do you know of any individual that has to do it, of your own knowledge? A. On their meeting—we meet once a month, and, of course, they come to me, and they say, "I paid so much to—

Q. How much would they mention? A. I suppose \$25 or \$10, and push their carts pay \$1; in last December, when we had

in Tammany Hall a masquerade ball of the association, when we arranged the hall with fruit, I called Mr. Richard Croker.

Q. You called Mr. Richard Croker to examine the decoration?

A. And I told him that there is a general complaint of all my people had to pay something to the police in America for to use the sidewalk, or for have some protection in the way of selling their wares, their fruit.

Q. What did Croker say to you? A. Mr. Croker said that, so far that the Tammany Hall will have the control of the charge of the city, they will see that the business, or the mercantile business of the city, will be — the law will be in their interest, and so of all the people in New York; only Mr. Croker is not a man that don't speak very much; and on that ground on the Fruit Exchange I made a motion to have the law of 1880, I suppose section 31 or 32 or 34 to 61 — we made a motion to petition to the board of aldermen to change the law, as we thought it was more really the fault of the law than the fault of the police; accordingly, the law of 1880 — no one in the market or any place can do business by using the sidewalk; we made a motion to the board of aldermen, and I should think the aldermen passed that resolution to that effect to change that law; but I believe the mayor did not sign it, on account of Mr. Clarke, the corporation counsel, you know, gives something that it is not constitutional, or something of that kind.

Q. That was before election he made you that promise, wasn't it? A. It was on the 26th of December.

Q. What year was that in? A. Last year.

By Mr. Goff:

Q. Now, you are yourself the president of a Tammany Hall organization, aren't you? A. I am only on the general committee of the Twenty-eighth district.

Q. You are on the general committee? A. Yes, sir.

Q. I want to ask you if you know a fruit dealer of the name of Gargueles? A. Yes, sir.

Q. Where is his place? A. Seventy-two Barclay street.

Q. Didn't Gargueles admit to you that he had paid money to the police? A. Yes; he showed me his book when he paid \$25.

Q. And he swore here yesterday, I think it was, or the day before, that he did not admit to you or to any other person that he had paid money to the police; now, did he swear to what

was true or untrue, when he swore that? A. So far as I see it in the paper, he said he was only fooling.

Q. I know you saw in the newspaper he said he was only fooling? A. That is all.

Q. But he denied having admitted to you that he had paid \$25 to the police; now, when he said that, did he say what was true or untrue? A. I think he said untrue.

Chairman Lexow.—He says it is untrue.

Senator O'Connor.—How would that kind of evidence be competent against anybody on the broadest theory even of an investigation of this kind; how can we admit evidence of that character? You put on one witness. All the evidence is that this witness lied when he said he did not pay the police.

Mr. Goff.—It is an admission, and admissions are always in evidence, and good evidence against the party that makes them.

Senator O'Connor.—That is all right; but we are not trying that party.

Mr. Nicoll.—It is a late repentance on the part of the committee, because they have received a great deal of such evidence.

Chairman Lexow.—The testimony was admitted, and therefore this testimony is admissible. Senator O'Connor was giving his personal judgment on the subject.

Mr. Nicoll.—I have been present when the committee has received just such evidence as Senator O'Connor has now so properly condemned. I have seen witnesses put on the stand and asked whether or not they did not state that.

Senator O'Connor.—Not unless they were connected with the police department.

By Mr. Goff:

Q. Do you remember an article having appeared in the papers about the Italians having to pay the police for the use of the sidewalks by their fruit stands? A. Well, there was a good many of those articles; I don't know which you refer to.

Q. Do you remember at any time after an article had appeared in the public press that an ordinance officer; that is, the police officer, went around to the fruit-stand keepers threatening them to keep quiet, or to say nothing about it? A. I do not know anything —

Q. Do you remember an ordinance officer having been transferred from that neighborhood down there on account of the publication of an article in a newspaper? A. Yes, sir.

Q. Don't you remember after he was transferred he went around the very next day to the fruit-stand keepers, telling them they must keep quiet, and say nothing about it? A. You mean Mr. Hickey.

Q. Yes; that is so; isn't it? A. Yes.

Q. Don't you know he had been collecting from the fruit-stand keepers quite a while? A. There is a general impression; I did not see personally him give any money myself.

Cross-examination by Mr. Nicoll:

Q. You, yourself, never saw anybody pay any money to the police, did you? A. No, sir; I have been many times around the captain, about all the captains of the police in New York, but I never offered any money.

Q. You, yourself, have not done so? A. I never did, sir.

Q. All you have testified to is conversations you have had with other persons? A. All the complaint that the people of our organization made to me as the president.

Q. And you have no personal or direct knowledge of any such corrupt transaction? A. I don't know any; I never see handled any money.

Q. I understood you to say that you told Mr. Croker of the complaints which had been made to you in your association? A. Yes, sir.

Q. And that he said to you that as long as the Tammany Hall organization has control they propose to protect the mercantile interests of the city; is that it? A. Yes; something to that effect; he talks very shortly; he don't talk very much; that was about the idea he conveyed to me.

Q. Was it in consequence of that conversation that the resolution or ordinance was introduced in the board of aldermen? A. Yes, sir; I made a motion on the first meeting after that conversation in the Fruit Exchange; and the Fruit Exchange nominated a committee of three, Mr. Goodsell, Mr. Zower and myself, to make this petition, and we made the petition, and showed the petition to Mr. Morgan, Alderman Morgan; and the petition stated that some of the fruit men complained they had to pay for protection of the police really what they are entitled

to without paying anything, and Mr. Morgan stated that we had better leave that out, and so we left out some of those statements of that sort, and we only asked the board of aldermen to change, to amend the law of 1880, so that the people in America could use the sidewalk to a certain extent; of course we state we don't want a law for Fifth avenue should be different to what the law is for Washington market; the fruitmen — the produce men should have some kind of way — chance to expose their wares and their fruit, so they can sell it the same as it is in Boston, in Philadelphia, in Chicago, where they have a certain section of the city where they can do their business; this was about the idea of the petition.

By Chairman Lexow:

Q. You meant by that to pass a law according to which the police would not have anything to sell; wasn't that it? A. So the fruit men would not have to pay anything to the police for what they are entitled to in their business; that is really what we claim is more a fault of the law than the police.

Q. And the board of aldermen passed your resolution? A. They did.

Q. And it was found to be ineffective by an opinion of the corporation counsel? A. Yes.

Q. So, the mayor vetoed it? A. I do not think he vetoed it; did not sign it.

Q. It was after Mr. Croker gave the word that the resolution was introduced into the board of aldermen, wasn't it? A. Well, Mr. Croker would speak, only it was only 6 o'clock.

Q. It was after Mr. Croker giving word that the resolution was introduced into the board of aldermen? A. Yes, sir; I made a motion.

Senator Cantor.— After he gave the word to the witness.

Mr. Goff.— I assume that; and it was passed, of course, as they were bound to pass it.

Senator Cantor.— No; bound by the facts; that is all.

Patrick Ryan, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Ryan, I call your attention to stub check-book, dated from November 25, 1893, to January 31, 1894, to stub No. 435,

name C. W. Dayton, date January 12, 1894, \$57.20, post-office; you know what that was for? A. Dayton; yes, sir.

Q. What was that for? A. That was goods I bought of the United States post-office at that time.

Q. Goods you bought of that United States post-office? A. Yes, sir; you will find a good many there.

Q. Now, I find a check of the same number, a return voucher of yours, and of the date January 13, check 435, beneath, "To the order of bearer \$100;" there is no indorsement on it; can you tell me to whom that check was given, the same number of the check as the stub calls for to Mr. Dayton? A. There is no indorsement on it, and still it went through the bank, I suppose.

Q. No indorsement on it? A. I could not tell.

Q. And it is the same number of check as Mr. Dayton's? A. I could not tell as to that, because I frequently brought checks, and my neighbors cash them on Saturday afternoon, especially when we make up the pay-roll.

Mr. Nicoll.—Speak up louder.

A. We come to make up the pay-roll, and our neighbors, in the neighborhood, think I am not there, and my son has got a check, and he goes in next door and gets the check cashed, and there is no indorsement on that.

By Chairman Lexow:

Q. It would not have an indorsement drawn to bearer? A. Well, perhaps the bank cashed that check.

Q. Your pay-rolls exceeded \$100 a week, didn't they? A. Yes.

Q. They were about \$375, weren't they? A. Yes; at one time before the panic set in.

Q. This \$100 payment would not account for any pay-roll check? A. No; we may be short of cash on hand.

By Mr. Goff:

Q. I find in the same check-book, from which I have last read, another date of January 15, 1894, 144. check payable to Wauhope Lynn, professional services, \$50; what is that for? A. Counsel fees.

Q. Yes; counsel fees; that is Judge Lynn? A. Yes; judge now; he was counsel at that time.

Q. This was 1894? A. Yes; that is professional services, sure.

Q. He was judge then? A. He was; and he defended the case for me; that is his fee for him.

Q. He defended a case in court for you? A. Yes, sir.

Q. That had nothing to do with the corporation ordinance? A. No, sir.

Q. I find in the check-book that I have read from after the date January 15, 1894, check to Judge Lynn for \$50, dated January 15th; I find that on the next day, January 16, 1894, there is a check made payable to the corporation attorney for \$7.50? A. Yes, sir.

Q. Was that the case Judge Lynn defended in court? A. No, sir; it was not.

Q. Had the payment of Judge Lynn any relation to the payment of this fine? A. No, sir; another matter; a private matter.

Q. Now, I read from stub check-book, June 17, 1893, to September 5, 1893, stub check-book No. 95, I hand you the return voucher, dated July 20, 1893, "Pay to the order of bearer \$50, Patrick Ryan;" what does that stand for? A. That stands for the same that you find hundreds of others stand for; I can not tell you what these things are now; that is a common thing I did to sign a check to bearer; it may be an accommodation.

Q. This stub says, "Mr. Kelly, police money"? A. Well, I suppose Mr. Kelly had that money; I didn't hand him any money.

Q. This check is the check calling for the \$50 of this stub? A. That may be.

Q. And that is your signature? A. Yes; that may be; I didn't hand them; that was signed the same as other checks.

Senator Bradley.—That is not indorsed. It is charged on the book to Officer Kelly.

By Mr. Goff:

Q. What is meant there by "police money"? A. I could not tell you what that meant; I did not give that money, as I told you, that money; I sanctioned it, I suppose; but the check was given out before I knew anything about it.

Q. This Mr. Kelly was the roundsman there, wasn't he? A. No; he was the wardman.

Q. What did you countenance the giving of \$50 out to the wardman for? A. Why did anyone of us do it; why did hundreds of others do it.

By Chairman Lexow:

Q. You said, why did your neighbors do it; do you know your neighbors did it? A. I did not; but by the talk of number 8 I know it now; I did not know it then.

Q. After you had seen that check drawn to bearer for \$50, which has been apparently cashed over the bank's counter, is your recollection refreshed as to the use put to the check for \$100 to bearer that was handed to you a moment ago? A. Yes, sir; I think so.

Q. What is that check for? A. Where is that \$100 check. Senator Bradley.—He says his memory was refreshed.

By Chairman Lexow:

Q. Was that paid for police money in the same way? A. I guess it must be; I would not swear to it.

By Mr. Goff:

Q. I read from the stub check-book, Exhibit No. 1, of this date for identification, and I hand you the return voucher?

A. What date is that?

Q. November 12, 1892, check No. 1004, stub saying, "Captain of police, \$100;" return voucher says, "Pay to order of bearer \$100;" is that your signature on that check? A. That is my signature; that is mine.

Q. Now, who was the captain of police, to whom that money was given? A. What date was that?

Q. November 12, 1892? A. Well, let me see; if I am not mistaken, Stevenson was our captain at that time.

Q. Captain Stevenson? A. I think so.

Q. The Leonard street station? A. I think so.

Q. Who was Charles Raherman whose name is indorsed? A. He keeps a liquor saloon on the corner of Washington and Morton, opposite my place of business.

Q. And you cashed the check there and the money was handed to the police captain? A. No; I did not hand it.

Q. Who did? A. Somebody else did; I did not do it.

Q. Since you have seen that check and see that is a check for \$100 drawn to bearer, and the stub is marked for the police captain, have you refreshed your recollection with reference to the other check for \$100, so as to say whether or not that other

check for \$100 went for the same purpose? A. What date is that?

Q. November 12, 1892; that is, the captain's check.

Chairman Lexow.— They are just about a year apart.

The Witness.— To what check have you reference?

Mr. Goff.— The other check for \$100.

Mr. Nicoll.— Does he say he paid any money to a captain?

The Witness.— That has nothing to do with it.

Chairman Lexow.— Check No. 435.

The Witness.— What date was that?

Mr. Goff.— January 13, 1894.

Senator O'Connor.— This year? That is about a year later.

The Witness.— That was an ordinary check I myself have got cashed. That was about that time.

By Chairman Lexow:

Q. You said in answer to my previous question with reference to this check for \$100, after refreshing your recollection, with reference to a check of \$50, that that check for \$100 was also given to the police? A. No.

Q. Now, after seeing the check for \$100, which the stub said was given to the police captain, can you refresh your recollection with reference to this other \$100 check, and say whether or not they went to the same persons? A. I can not recollect all those things.

Q. Was it made out to bearer? A. To bearer; the man must have got that check cashed by some of my neighbors, as well as others got cashed.

Q. The check that went to the police captain, according to the stub of your book, and which you admit was paid to the police captain was also to bearer; now, this other check is for \$100, and payable to bearer; and you stated you had refreshed your recollection in regard to this other check after seeing the Kelly check, so that you could say that check was also intended for the police? A. No, sir.

Q. After seeing this \$100 check that went to the police captain, are you prepared to swear that check of \$100 did not also go to the police captain? A. I am prepared to swear it.

By Mr. Goff:

Q. But you know, Mr. Ryan, you may be mistaken; you know that when you came on the stand here first you said you never

paid any money to the police? A. Personally I did not; I gave those checks in a promiscuous quantity and my son is authorized to give away checks to the proper parties.

Q. You, as an honest man, would not want to take refuge behind such a technicality that you did not hand it personally? A. I did not hand it personally; I did not pay it myself personally, and I did not know whether it was paid or not.

Q. Let me ask you about this check of \$100 that was paid to Captain Stevenson; how did that happen to be paid? A. It was a regular tariff, I think, on that.

Q. We want the facts? A. Yes; a regular tariff.

Q. A regular tariff? A. Yes, sir.

Q. The police laid the tariff? A. Yes, sir.

Q. What was that; for keeping the sidewalks —? A. That was for using the sidewalk; using the sidewalk.

Q. How was the tariff arranged so \$100 was paid? A. That was for a year.

Q. For a year? A. Yes, sir.

Q. In addition to the \$50 you paid Kelly the wardman, and in addition to the \$50 you paid Captain Stevenson of the Leonard street station; did you ever pay anything to the captain of Charles street station? A. Yes, sir.

Q. You have a place also in the precinct — in the Ninth precinct, isn't it? A. I have.

By Chairman Lexow:

Q. How much did you pay to the Charles street station? A. One hundred dollars.

By Mr. Goff:

Q. Let me see, Mr. Kelly, where is your place of business in the Ninth? A. I am in Morton street, near Washington.

Q. That is all; that is in the Ninth precinct? A. Yes, sir.

Q. And was Captain Thompson captain of the precinct when you paid the money? A. He was there at that time; I did not pay it to him.

Q. Who did you pay it to? A. I believe it was paid to the wardman.

Q. To the wardman? A. Yes; I believe so.

Q. What was the wardman's name? A. He was there long; he was there long before.

By Chairman Lexow:

Q. Do you remember his name? A. I forget his name; I will recollect though.

By Mr. Goff:

Q. How did you pay that money? A. It was in cash.

Q. Where did you hand the money to the wardman? A. I handed it to him in the saloon.

Q. What saloon? A. Joseph Grassmuch.

Q. That is near your place of business? A. Nearby.

By Senator O'Connor:

Q. Did you pay this \$100 every year to each precinct? A. No; it was very liberal at first; they kept increasing it.

Q. Recently, have you paid it every year? A. No.

By Chairman Lexow:

Q. What was it at first? A. There was no tariff on it at first; a \$10 bill or \$5 bill.

Q. When was the first tariff fixed? A. I don't remember about that.

Q. What is the amount of the first tariff? A. I couldn't tell you.

Q. Twenty-five dollars, or \$50, or \$75? A. In the neighborhood of \$20.

Q. And they increased from \$20 to what? A. It got to be a regular system; it got to be a regular system.

Q. Can you say in what year this regular system was introduced? A. I could not say.

Q. Was it four years ago? A. No.

Q. About three years ago? A. I think so.

Q. And then they increased the price from \$20 or from what you would give? A. Yes, sir.

Q. To \$100; is that so? A. That was the price of that precinct, on two or three occasions, I think.

Q. Then you paid from three years ago, until this year, each year \$100 in that precinct? A. Why, no; not as much as that; it was increased in the last couple of years.

Q. How much did you pay three years ago? A. About \$50.

Q. Fifty dollars? A. About that.

Q. Then it was increased from \$20 to \$50? A. Yes.

Q. And two years ago it was increased from \$50 to \$100?
A. Yes, sir.

Q. And the last two years you paid \$100? A. That \$50 Kelly got was for a year; I reduced it myself, and I told him I wouldn't stand it.

Q. You reduced it from \$100 to \$50? A. Yes, sir.

By Senator Cantor:

Q. You would not stand the tariff, and paid only 50 cents?
Chairman Lexow.— Fifty dollars.

Q. And in the other two precincts it was \$100? A. One of them I did not pay a cent.

Q. What was that? A. The Fourteenth.

Q. You never paid \$1 there? A. No, sir.

Q. Was there any fixed in the other precinct? A. This only one — Thompson.

Q. That was only one? A. That was only one year.

Q. What year was that? A. Well, shall I tell you the date of that by that check; that is a cash payment.

Q. Well, you paid the wardman, as I understand it? A. Yes, the wardman.

Q. When was the last payment you made in that precinct in the Charles street station? A. That is not since I paid the \$100; since the change of captains they have not bothered me.

Q. Have you paid there within a year? A. It is more than a year since I did it.

Q. What is the date of that? A. The date of that check?

Q. Before that check, how much did you pay? A. That was in cash.

Q. That check represents the cash you gave? A. That was the only money.

Q. Didn't you make any contribution before then in that precinct? A. No.

Q. Did the wardman come and make that demand upon you?
A. Yes, sir.

Q. Did he give you any reason why he made that demand?
A. He said that was the tariff.

Q. He said that was the fixed and payable tariff for that precinct? A. Yes; I think those are the words he used.

By Mr. Goff:

Q. For instance, I find here, check No. 215, under date of September 21, 1893, paid to the order of Tammany club, \$5?

A. Tammany club?

Q. Tammany club, M. Schlessinger? A. That is right.

Q. For a special to William Hopkopf; are you a member? A. Not of that club.

Q. What was that \$5? A. It was an excursion ticket.

Q. Chowder ticket? A. Chowder; yes, sir.

Q. Now, I find here a year after you made the check payable to the police captain, the check dated November 12, 1892? A. Yes, sir.

Q. I find on November 18, 1893, check No. 289, payable to the order of William A. Washington, \$125? A. Was that made out to Washington, or made out to Grassmuck?

Q. William Washington? A. Was that the date; I will explain that easy enough.

Q. Who is Washington? A. I don't know; he is Mr. Grassmuck's banker, that is all I know about it; any checks that Mr. Grassmuck cashes for his neighbors or friends, he turns them over to this banker, this Mr. Washington.

Q. To this Mr. Washington? A. Yes; that is the only explanation I can give of that.

By Chairman Lexow:

Q. That was simply to get cash money? A. Yes; that was it; that was an accommodation to me to get cash money.

Chairman Lexow.—What is the date of that?

Mr. Goff.—November 18, 1893.

By Mr. Goff:

Q. I find quite a number of checks drawn by you to the order of Katie Grassmuck; and all in the sum of \$100? A. Yes; that is the general case; when I got a check cashed there, I got a check cashed for \$100.

Q. You drew your check payable to the order of Katie Grassmuck, \$100? A. That is my wife; I don't try to tell who goes with the checks, myself.

Q. I find all the checks you draw to the order of Katie Grassmuck are indorsed by William A. Washington? A. Washington, as I told you before, deposited his check; he is the bank.

Q. Have you now stated to this committee, under the solemnity of your oath, notwithstanding what you may have said at the commencement of this examination; have you now stated all the money that you have paid to the policemen in any manner, shape or form? A. Now, that is asking a great deal; I would have to go back a great ways*to tax my memory.

By Chairman Lexow:

Q. How far would you have to go? A. About 30 years.

Q. Do you mean to say by that you have for 30 years continuously paid to the police? A. Well, in one way or another; that is, around the holidays, and be friendly, and like of that.

Q. Making presents and contributions and things of that sort? A. Yes, sir.

Q. You felt that you were perfectly justified in making presents to the police, even if that present had the effect of giving you rights in the sidewalk that the law did not authorize you? A. You know how people feel about that; I can tell you all about \$100 checks.

Q. This evening, that would be sufficient; we will retain these checks, and look over them at our leisure.

The Witness.— You will return them all together, won't you. Mr. Goff.— Certainly.

Cross-examination by Mr. Nicoll:

Q. I understood you to say in answer to Mr. Goff, that you paid Wardman Kelly the sum of \$50? A. Yes, sir.

Q. When? A. Well, I have got the date of the check.

Q. How? A. The check is there.

Senator O'Connor.— The time the check is dated, he says.

Mr. Goff.— July 20, 1893.

By Mr. Nicoll:

Q. Did you make that payment yourself? A. I did not, sir.

Q. Did you see it paid? A. I did not.

Q. I understood you to say that at a prior date the check for the sum of \$100 was paid to Captain Stevenson? A. Yes, sir.

Q. Did you pay that? A. I did not.

Q. Did you see it paid? A. No, sir; I signed the note, and signed it before it was made out.

Q. You did not pay it? A. No; not myself personally.

Q. Nor see it paid? A. No.

Q. Have you ever paid Captain Stevenson any money yourself? A. Never.

Q. Never? A. No.

Q. Or Captain Thompson any money? A. Never paid him any money.

Q. Never? A. Paid his man.

Q. Never paid him any money? A. No, sir.

Senator Bradley.—He said he paid his man.

Mr. Nicoll.—I heard that.

Senator Bradley.—I thought, perhaps, you didn't hear that.

Mr. Nicoll.—Oh, yes.

Q. You have never paid Captain Thompson any money? A. No, sir.

Q. Or Captain Stevenson any money? A. No; never any myself, personally; never.

Q. And you, yourself, did not pay any of the sums which Mr. Goff has called your attention to? A. No.

Chairman Lexow.—I suppose that is the end of the testimony to-day?

Mr. Goff.—I beg your pardon. One moment, Mr. Ryan.

Q. I forgot to ask you, is that handwriting on the body of this check that you signed, the \$100 check for Captain Stevenson, November 12, 1892— A. He writes a great majority of the checks; I know that.

Senator Bradley.—He said this morning, it was the young man he had working for him.

Mr. Goff.—Oh, yes.

The Witness.—That I would not be positive about. Let me see another check written by him, and perhaps I can tell.

Q. Here is the stub; perhaps, you can tell from that? A. I am under the impression that that is my former bookkeeper's writing; I think so.

Q. Now, I want to ask you a question with regard to Charles Rehman; who is he? A. He is a liquor dealer.

Q. Where is his place? A. Corner of Morton street and Washington; I am on one side, and he is on the east side, right side directly opposite my place of business.

Q. You did not owe Reheman any money? A. When?

Q. At that time you gave this check? A. Yes; I did; I owe him money now.

Q. Did you give him this money in payment of that money? A. It might be partly in payment of that money; if I owed him \$75 and wanted to use \$25, I would get him to cash me a check for \$100.

Q. How is it, though, if you had paid that out to Reheman, wouldn't it be in the stub? A. No.

Q. Why? A. The check is paid out to Reheman; that settles it.

Q. Where is the check to Reheman? A. Isn't that Reheman's?

Q. That is the check to the captain of police? A. Don't you have a check for that?

Q. No, sir; you misunderstood my question then? A. I misunderstood it.

Q. That check is made payable to bearer? A. Yes.

Q. That is the check to the captain of police? A. Yes.

Q. That is right, is it? A. I suppose that is right.

Mr. Nicoll.—Is that the one you have been referring to all along?

Mr. Goff.—Yes; that is the check.

The Witness.—Reheman's check must be there. You did not refer to Reheman?

Mr. Goff.—No. Just one moment. I offer the stub of check No. 1004, of the date of November 12, 1892; amount, \$100; "To captain of police," in evidence.

(Stub marked Exhibit 3 of this date.)

I offer check of said stub of the date, November 12, 1893, No. 1004, to the order of bearer, \$100, in evidence.

(Check marked Exhibit 4 of this date.)

The Witness.—What does that allude to?

Mr. Goff.—That is the check we were talking about. Also check No. 95.

(Check marked Exhibit 5 of this date.)

Mr. Goff.—Just one question, Mr. Kelly?

Senator Bradley.—Mr. Ryan?

Mr. Goff.—Mr. Ryan.

The Witness.—I guess you are thinking more of Mrs. Kelly, aren't you?

By Mr. Goff:

Q. I think more of Mrs. Kelly? A. Yes.

Q. Well, she is a lady of considerable weight? A. Sure.

Q. Mr. Ryan, had you ever anything to do with the appointment of policemen? A. Never had one appointed in my life.

Q. And nothing to do with men applying to you for your influence? A. Never; I told them I had no pull.

Q. You had no pull? A. No, sir; I have no pull.

Q. And you had nothing to do with the appointment or application of any men for the police force? A. Never; never appropriated a cent from anybody; I suppose you will be wanting me again.

Chairman Lexow.—No. If you are wanted again a subpoena will be sent.

Mr. Goff.—I wish to say something to the committee.

Chairman Lexow.—I have here a communication from the police department.

Mr. Goff.—Yes, sir. I hold a copy of it in my hand. Mr. Chairman. We have arrived at the time. Mr. Chairman, when it is proper for me as well as in the discharge of my duty as for any other motive or purpose to state to the committee my best opinion, after consultation and long talk and conference with my associates as to the present status of this investigation. From our knowledge of the conditions which have presented themselves to us from the commencement, and from the knowledge that we possess of the present situation touching the feasible conducting of this investigation during the summer months, we are of the opinion and conviction that it would not subserve the best interests of this investigation to continue it during the months of July and August. I suppose, Mr. Chairman, that you, as a New York practicing lawyer—some of your colleagues are not members of our local bar here—but you can appreciate the difficulties surrounding the attempts to procure the attendance of witnesses in large numbers during the summer months. Even people who remain in New York for business, thousands and tens of thousands of them go to the neighboring watering places and suburban resorts to summer. Men are not disposed to give so many hours to business, and it would be a physical impossibility for our subpoena servers to be able to procure the attendance of witnesses here from day to day sufficient to enable us to continue this investi-

gation. I do not think, Mr. Chairman, that it would be for the public interests, or for the interests of this investigation, and the object of bringing out evidence of the existence of the evils which the resolution according you referred to, to continue an aimless pursuit of witnesses and futile efforts to secure their attendance during these summer months. I regret it, and I am prepared, in company with my associates, to assume the full responsibility of recommending to this committee that, in our opinion, the best interests of this investigation will be served, and the public interests of the State and the city will be benefited by this committee taking an adjournment now, until say the 10th of September. I have to say further, and I speak the sentiments of my associates, that while we have felt the labor which has devolved upon us night and day for the past six weeks of continuous work, not only for the weeks we have been in court, but for the weeks preceding; and I might say parenthetically here, that our greatest work is not in court, sir, our greatest work is performed out of court; and while it would be an extreme tension to be subjected to to be called upon to attend to you during the summer months, yet, if you, in your wisdom, deem it for the best interests, and deem it necessary that the investigation should continue during these months, we are prepared to attend to you from day to day, and give you our best efforts and our services; and in saying that, we say it with the full knowledge that it would be against our best judgment. We have studied the situation. We think we have a fair understanding of the obstacles in our path; and from that understanding we draw our conclusion that it would be a mistake, in every sense of the word, for this investigation to continue during the heated terms of July and August. I would, therefore, recommend, Mr. Chairman, and advise, on behalf of my associates and myself, that the committee adjourn to a stated date — the 10th of September — so that we shall be enabled to have our subpoenas in readiness, and serve them, if necessary, during recess, because while we may not hold public sessions during recess, we will not say that we will not work. I would rather be in court, as I said before, any day, than be at work out of court in the peculiar kind of work we are engaged in. I, therefore, move, if I have the privilege — of course, I can not make use of the term “move,” because I am not a member of your body — but I would say I recommend as the wisest

and most judicious course to pursue that your committee adjourns until the 10th of September, with a proviso, that your committee may be called together at any intervening date before the 10th of September, when such exigencies may arise that will, in your judgment, warrant the calling of the committee together. Such emergency may arise; and I would wish, Mr. Chairman, that your committee would be so situated, by your resolution, that you would have the power, with the consent of your colleagues, to convene them in session at any time that you, in your judgment, or think, in your collective judgment would think it proper to want.

Senator Cantor.—We would have the right anyhow to call the committee together.

Mr. Goff.—I presume so. I do not wish to say anything here in the sense of comment or remark on the evidence of the work this committee has been doing. It is simply routine work we are now doing; and in calling your attention to the action of the police board this afternoon, I think it proper to point out, in my opinion, and in the opinion of my associates, that if the action taken by the police board, or resolved upon by the police board this afternoon, be taken and followed out, it would be an act conducive to defeat, as far as it can, the purposes and the accomplishments of this committee. The police board heretofore, through the highest executive officer of the department, consulted with you; and the police board was, through that executive officer, Superintendent Byrnes, apprised that any investigation instituted by its department, by it against members of its department while this committee was in session would be very embarrassing to the committee, and would throw obstacles in the way of its work. The police board then desisted, very wisely, and in a public spirit from going any further. Now, the police board comes on the day when it was, from public rumor in the newspapers, that the committee would likely adjourn, they pass a resolution directing that an investigation be commenced upon their own account immediately upon the adjournment of this committee. Now, of course, Mr. Chairman, I do not wish to reflect in any way upon the officials constituting the board of police, or upon the police department. The only reflection I have made, or that I was to make, are those reflections that may be called out by the concrete evidence, as it is given here before you under oath; but I may be permitted, and I think justly permitted, upon the premises

established on the evidence already before you, that it is at least a strange thing, and to me unaccountable and incomprehensible, that the state of affairs which have been proven on oath to have existed for years in the police department, going back 20 and more years, that that state and condition of affairs should have existed in this department, and that the governing officers of the department should never have seen fit, and never did see fit, to institute an investigation, or trial, or inquiry touching the abuses, to say the least, of matters in the department, until your committee commenced to investigate. A request was made by one of the commissioners that the district attorney be requested also to move. Now, of course, it may be said that we have no authority, and when I say we, I speak in the collective capacity, but at least the committee have no authority as a restraining power to prevent the police board from instituting an investigation. That goes without saying. If this committee were a court of record, and of competent jurisdiction, it is a grave question in my mind but that the police board would be guilty of a contempt of court by instituting any investigation, while the subject-matter of the investigation was under judicial inquiry; in fact, I am very well satisfied, that it would be a contempt of court; but, of course, your powers are limited by your resolution. While they are broad in their scope, yet you have not the power to restrain; and I would say here that if the police commissioners wish to show themselves interested in behalf of public morals, and the discipline and efficiency of the police, they could do nothing more effective to contradict that than to act upon the resolution they have attempted this afternoon.

Senator O'Connor.—Three members of the present board, they are charged by these resolutions with misconduct themselves.

Mr. Goff.—Of course, that is the very thing, sir that was brought up in the memorial read to you this afternoon, that a body that is itself charged with malfeasance, and if not with personal corruption at least with being at the head of a department that has been guilty of corrupt practices—for that body to constitute itself judge, jury, prosecutor and defender, is something unheard of and something inconsistent with our ideas of common justice.

Senator O'Connor.—You think they ought not to proceed to try these men when they are guilty themselves?

Mr. Goff.—Yes, sir; I think so.

Senator O'Connor.—They should not try men inculpated by this testimony, until they themselves are acquitted of fault.

Mr. Goff.—I think it would be an evidence of a more manly and honest dealing with this subject, and with the situation in which they find themselves, if these commissioners did wait until the results of this committee are ascertained and definitely settled and stated; because, Mr. Chairman, it may be wholly unnecessary for me to point out here that if the board of police commissioners instituted a police inquiry during recess, they will be hunting up witnesses, dragging them hither and thither and subjecting them to severe cross-examination, and sometimes not as dignified or as professional, as they have been subjected to here; that witnesses will be scared off, to use a common phrase; men of business, for instance, do not care to come into court, as Mr. McLaren, the other day, came here in the public interest, and no sooner had he left this court, than he was subpoenaed to attend before the dock board to give his testimony; and no sooner had he got through with the dock board than he was subpoenaed to attend to some inquiry instituted by the mayor—properly instituted; but I wish to point out how other business will say to this: “What have I done that I should be harassed in this way; that I should be dragged before this tribunal, and this official from day to day, if I come before this committee, and give them my aid in the reduction of public officials.” Other business men will say, “The wisest thing for me to do is to keep my mouth closed;” and the consequence is that the work of your committee will be increased 100 fold—the difficulties, at least, of your committee.

Chairman Lexow.—Have you anything to say, Mr. Nicoll?

Mr. Nicoll.—While the proposition to adjourn—

Chairman Lexow.—I would be as brief as possible. It is now quarter after 5.

Mr. Nicoll.—While the proposition to adjourn made by Mr. Goff accords with my personal convenience, as I have informed the committee on behalf of the police department, its commissioners, superintendent, inspectors and captains, and on behalf of the municipal government of which they are a part; in the most vigorous phrase that I can command, I beg to protest against the proposed adjournment and to request the committee to continue their sessions until this investigation has been con-

cluded within the scope expressed by the resolution. You have now been engaged for the period of six weeks in investigation of the police department of this city. You have summoned before you, upon your subpoenas, witnesses of various sorts and conditions; you have received the testimony of prostitutes, brothel keepers, perjurers, forgers, and self-confessed criminals and bribe givers; you have listened to their evidence, giving them protection, eagerly receiving their revengeful stories against members of the police department, high or low; and we have come down, after a period of six weeks, with an accumulation of such testimony spread before the community and the people of this city and State, and not only have you done that, but you have thrown aside the rules of evidence, and the ordinary safeguards which protect the citizen, private or public, and admitted hearsay rumor, and notoriety, as the basis of an attack upon the public officers; and you have done that under the protest from time to time, which you were indulgent enough to allow me to make.

Senator O'Connor.—It was an indulgence to allow you to criticise the committee right along.

Mr. Nicoll.—You have done more: You have taken witnesses from the Tombs, and promised and given immunity, as the condition of their giving testimony against police officers of the city of New York.

Mr. Goff.—That is not so; oh, no.

Mr. Nicoll.—You have done that in one instance, and were about to continue it until I recorded my objection.

Chairman Lexow.—The committee can not tolerate any criticism on the evidence already introduced. When it comes to summing up of that testimony, they will probably give you all the latitude you require; but for the purpose of adjournment, you must limit yourself to that only, and not criticise the evidence; and give valid reasons, if you can, why the committee should not adjourn at this time.

Senator O'Connor.—In this case we desire to say we promised no immunity for witnesses. The chairman has informed the witnesses what the law gives the witness, as it is his duty to do.

Chairman Lexow.—I think Mr. Nicoll should not criticise the testimony. Mr. Goff did not make a summing up of testimony here, and you are not allowed any more latitude.

Mr. Nicoll.—I am not mentioning any witnesses.

Chairman Lexow.—And if it unfortunately is a fact that the police have had a partnership with the criminals—a business partnership with the criminals of this county, that is the unfortunate situation we are in. We can not get their testimony on that point.

Mr. Nicoll.—I am simply calling your attention to the character of the evidence ; not to the testimony of the particular witnesses. I am speaking of the character of the witnesses, of the relaxation of the rules, the promised immunity in one case, although the committee afterward abandoned it: and I am doing it, not for the purpose of summing up.

Chairman Lexow.—You want to protest against an adjournment to criticise the witnesses we have introduced here?

Mr. Nicoll.—It is; and you will see. Allow me one moment, and you will see how necessary and pertinent those observations are. I say that in the general scope that has been the character of this investigation up to this date; and it is not to be denied that the investigation so conducted, the testimony which has been taken before this committee, and circulated by the journals throughout this community, has created a mis-trust on the part of the citizens of this State in the police department. It could not have been otherwise; and it has not only done that, but it has created lack of confidence and a lack of morale in the police department itself; and although you know that, and know that that is the condition of the police department in this city to-day, the police department which is charged with the preservation of peace and order, and the protection of life and property in this city—you have denied up to this time every single effort which I have made on behalf of every accused official to take the witness stand and deny or to defend himself.

Chairman Lexow.—On the contrary, Mr. Nicoll, I went out of my way, because he was a member of the judiciary, personally to extend to Judge Divver the offer to appear on the stand.

Mr. Nicoll.—Is it possible that you are so little informed after all this information, that you think Judge Divver is a member of the police department?

Mr. Goff.—Our police justices.

Chairman Lexow.—I say the police officials—the police justices—are under the examination, under the resolution.

Mr. Nicoll.—You have not investigated the police courts. You know I meant the police captains whom you have taken evidence against, one of whom sat in this presence when a prostitute testified against him, and you refused to allow him to be heard. Captain Cross, on another occasion, was denied the same right as Captain Stevenson. You propose to now adjourn without giving that official an opportunity to defend himself. You deny it to the inspectors now. You have refused it on the specious ground that it would interfere with the plan of investigation laid out by counsel. Now, I say you deny, and propose to leave this city, denying officers accused, the right which is accorded by every tribunal to the meanest criminal; and that is the position in which you are about to adjourn, leaving the police department in the city of New York.

Chairman Lexow.—Do not dispute, Mr. Nicoll, that for 10 years past, these matters have been matters of public notoriety; do you dispute that the police commissioners have known as well as any other citizen in this city that the people at large believe that the police were culpable in the direction named under the resolution, and do you suppose that we can take an accusation of that kind, compelling us to sit during this summer, when for 10 years you have had that opportunity and have never exercised it?

Chairman Lexow.—There must be no interruption.

Mr. Nicoll.—Are these gentlemen hired to indulge in this performance; are they employed for this purpose?

Senator Cantor.—They are supposed to be employed by the committee.

Chairman Lexow.—Any further interruption in the courtroom will have to be met by summary ejection of those who applaud or hiss.

Mr. Goff.—They are not employed by this committee, but they are simply a wave from the great volume of feeling of society that rises up to-day and sweeps over Manhattan island.

Mr. Nicoll.—These are a lot of your detectives here, applauding your remarks here. A more unseemly development was never manifested before the Legislature of the city of New York.

Chairman Lexow.—Mr. Nicoll, we deprecate any applause on the part of the audience here and we do not want to turn this meeting into a demonstration of that kind, and I regret very much, indeed, that it should have occurred; at the same time,

you can not blame the people of New York, as far as the evidence has gone, for feeling a little strongly on the subject.

Mr. Goff.— May I remark, here about this courtroom, until I call public attention to the fact, day after day, there sat dozens of spies here from the police courts and other resorts in this city, wherein our witnesses could not even get a chair.

Mr. Nicoll.— That has been said a number of times.

Mr. Goff.— That is the second time.

Mr. Nicoll.— Now, I see you are about — notwithstanding all that evidence, the manner in which you have conducted the investigation — and I do not speak by way of disrespectful criticism, because I assume that you are conducting it according to your best judgment and for what you deem to be the interest of the investigation, but it strikes me, as a member of the bar, as a shocking violation of the rights of individuals. I see you are now about to adjourn for a period of two months and a half, almost; and you propose to leave the police department resting under the stain and stigma of these charges unanswered and unexplained by every member of the force who has demanded a hearing before this committee.

Chairman Lexow.— Charges which have been made for 10 years back.

Mr. Nicoll.— Charges, I say, are not sworn evidence of this committee — not testimony taken by this committee; and charges which we have had no opportunity to refute and a refutation of which have been denied us constantly by the members of this committee. I say that is the proposition. Now, it needs no argument, it requires no statement from me for the committee to appreciate that such a thing must work the demoralization of the police force in this city. Here are superior officers resting under charges which necessarily detract from the confidence which inferior officers had in their superior. The rank and file of the police observe their superiors under charges unanswered, and which must remain unanswered and undefended for a period of two months and a half. It is a very serious responsibility for you gentlemen to take upon yourselves. We had 4,000 men in this city guarding our property and our lives, preserving law and order in our midst. We are about reaching that period of the year when crime usually becomes rampant and deeds of violence are most frequently committed, and you propose to go away to the mountains and the lakes, and the rivers, and the foreign parts in search of health

and pleasure, leaving the city of New York and its police department in that situation. I protest against it, gentlemen. I protest against it in the name of justice and fair play. I protest against it on behalf of the public officers whom you have accused and aspersed without an opportunity of defending themselves, without being heard before this tribunal. I protest against it on behalf of the citizens of New York, the taxpayers in this city, whose property is at stake; and I beg the committee will reconsider their determination, and sit as long as the public interest require this investigation to be conducted. Mr. Goff says we have no more witnesses, or that it is difficult to obtain witnesses in the summer. With all due regard to Mr. Goff, it seems to me after all that is a specious plea. Here are witnesses who are anxious to come before the committee, who need no subpoena, who demand to be heard, who would bring witnesses with them. Why should not they be heard. No one need chase them. They are here in our midst, always ready, demanding an opportunity. What then becomes of the statement that men are living in suburban resorts and only in town for a few hours? If they were only in town for a few hours, isn't that enough to serve a subpoena on them, and may they not come before the committee in July and August, as well as at any other time; and now the cool proposition is added that while you adjourn you shall demand that the department itself do nothing to correct or to attempt to correct any of the evils which this investigation and the evidence taken before it which, unexplained, justifies you in believing do exist. You want them to lie supine for a period of two months and a half with a number of captains, inspectors and detectives under the stigma and stain and suspicion of the evidence you have taken before you. It is impossible to do it. The commissioners and superintendent are charged by law with the public duty. The same law which justifies you in sitting here authorizes and directs them to do what they can to preserve and maintain the discipline of the police department. It would be impossible for them to do otherwise. You may go, but they must do something in your absence. The suggestion that witnesses would be intimidated by them seems to me to be absurd. We have taken 100 witnesses before this committee. They are not to be called again. That might possibly apply to future cases. It has no relevancy to the past, to the testimony already taken. It seems to me, gentlemen, that the protest of the department and my

clients ought to be regarded by this committee and in the interest of fair play and justice, and of the welfare of the city of New York, which, as representatives of this State, I believe is as dear to you as to any of our own city. I wish to thank the committee for the indulgence which they have shown me at all times. I am well aware of the laws governing the appearance of counsel before this committee; and I have to say that the committee, although they have denied me the scope of cross-examination which I deemed to be necessary to protect the interests of my clients, have at all times treated me with great personal consideration.

Chairman Lexow.—Mr. Goff, and Mr. Nicoll, the committee have already decided the question of adjournment. It was the hope of the committee that we might be able to continue our sessions during the summer, so as to make a continuous session of it; but under the recommendation of counsel, upon whose work and services we largely, if not entirely, rely for the development of those facts which this investigation seeks to reach, we have reached the conclusion that their recommendation should be adopted, and we will, upon adjournment here, adjourn until September 10th, as recommended, subject, however, to reconvening at any time when, in the judgment of the chairman, a reconvening would seem proper or expedient. Now, we are not here for the purpose of incriminating individuals. If we were, the argument of counsel for the police department would be in point. We have nothing to do with the dereliction officers on the force, except so far as their violation of duty or corruption is shown as incidental to the general inquiry of this police department system. We are only after the system, in other words, and not after individual reputations. It is to be regretted that in an investigation of this kind, individual reputations must suffer, or if they are not subject hereafter to the criticism of corruption that they must labor under a temporary eclipse; but for the good of the State, the good of this city, it seems necessary this adjournment should be taken, and even at the risk of appearing to be unfair to some of the police officials, we shall have to take it; and I can not help but express my surprise, in view of the developments here, in view of these facts so open and patent to the whole community, for years back, that the police department now makes an excuse that they will investigate because we have developed a con-

dition of affairs which they say they never believed. If they did not believe it, it seems to me they did not want to believe it, because these facts are not secret, they have been understood by every individual almost in this community, and it simply is now brought home to their attention as the result of evidence here, before this committee under oath, and they feel constrained to make a public declaration of that kind I have received to-day. Now we, as a committee here, think that any proceedings taken by the police department after the adjournment of this committee, can have no other effect than to harass, hamper and annoy this committee in the future progress of the investigation. There can be no method, no plan of action conceivable, that will redound so largely to crippling the future results of this investigation, as the investigation which the police department now say they will undertake. I trust that the news which comes to us in a formal way, under resolution of that committee, will not prove true; I hope that they will duly reconvene and decide not to go on with an investigation into this matter. Now, with reference to counsel. Criticisms have been made upon the counsel for the police department. We have laid down a rule here that the counsel appearing before this committee, whether appearing for the committee or for the police department, is here to aid the committee, is here not to embarrass or annoy the committee, and we believe that you, Mr. Nicoll, have lived up to that general understanding, which we at first laid down; and no other conduct on the part of counsel will be tolerated by this committee. Now, another question, and one upon which I thought that an adjournment would prove inadvisable; the public prints contained intimations to the effect that great intimidation is practiced against witnesses, who have appeared before this committee, and I must say right here, that one of the reasons why this committee does not adjourn absolutely to the 10th of September, but gives this chairman power to reconvene it during that time, is to prevent any intimidation against witnesses, who have appeared before this committee, or to meet any other emergency, as it may arise; and if what is said with reference to Patrolman Beeck is true, if other members of the police force have been hounding him, or anybody who gave testimony upon the stand until now, then it would look to me as though

the criticism which has been passed upon the heads of that department, would apply to the whole force, and the whole force would need a radical reconstruction.

Senator O'Connor.—I move we adjourn to the 10th of September, subject to the call of the chair.

Chairman Lexow.—It is moved an adjournment be taken to the 10th of September, at 10.30 a. m., subject to the call of the chairman.

Senator Cantor.—Before that motion is put, I want to say one or two things. It is a serious proposition that has been suggested. It is quite well known, as I stated some time ago, that I was willing to make whatever personal sacrifice might be needed in order to remain here; and I have seen no reason yet to change the opinion I then expressed. It is a serious proposition to have this committee adjourn for two months and a half with specific charges resting against the police officers of the city of New York. Of course, it is to be regretted, and I do not say this by way of criticism, exactly. It is to be regretted that the counsel of the committee did not deem it advisable to make a thorough investigation and examination of the police commissioners of this city, the heads of the department. If that had been done, if they had been exonerated from the general charges, they might then with greater justice have gone forward to conduct the investigation you have suggested to-day. The department in the city of New York is a very important one to our community, one that it has been suggested deals with our lives and property. I have been compelled to yield to the counsel of the committee. If he believes that the interests of justice can best be conserved by the adjournment of the committee, then I am bound to acquiesce in his judgment, and vote for an adjournment. I had hoped, however, that he could have come to some other conclusion; that this committee would have gone forward and continued the investigation, and that these charges, if true, against these officials would have ended by their dismissal from the department or their punishment, if punishment was needed. I believe the best thing that will happen to the city of New York would be to have this investigation made thorough and complete. No intimidation against witnesses should be tolerated for a moment; but the first duty to the people of New York, it seems to me, is to have a complete and thorough investigation of this department; to weed from its ranks the men who have disgraced the uniform,

so as to make that department efficient, effective, honest and faithful to the duties which the law devolved upon them. Now, the situation is this: We are compelled to rely upon our counsel. He said that the interests of this investigation require this adjournment. I for one will surrender my individual judgment under the circumstances, and will vote with my associates upon the committee for adjournment.

Chairman Lexow.—The committee will stand adjourned until September 10, 1894, at 10.30 a. m.; subject, however to the call of the chair in the meantime.

Proceedings of the thirty-sixth session of the committee, Monday, September 10, 1894, at 10:30 a. m.:

Present.—Senators Clarence Lexow, Edmund O'Connor, Charles T. Saxton, Daniel Bradley, Jacob A. Cantor and George W. Robertson; John W. Goff, Frank Moss, and W. Travers Jerome, for the committee.

Mr. Goff.—Counsel wishes to address the committee.

Chairman Lexow.—Mr. House, I believe.

Mr. House.—Yes. Mr. President, and gentlemen of the committee, since the adjournment of the committee for its summer vacation, a letter was received by Inspector Williams from the counsel who was supposed to represent the police department at that time, announcing the fact, for reasons best known to himself, that he would withdraw from further representation of the police department, save and excepting the case of Commissioner McClave. After that letter was received, my associate in business, Mr. Friend, and myself, were retained by what is known as the uniformed force of the police department of this city, including the inspectors, the captains, and the force below that. Now, of course, we understand we have no right here unless it is by permission of the committee, and we desire now to know what is the feeling of the committee in regard to permitting the department to be further represented by counsel during the rest of its investigation.

Chairman Lexow.—What have you got to say, Mr. Goff? Are you through, Mr. House?

Mr. House.—Until I find out what Mr. Goff had to say; yes, sir.

Mr. Goff.—Of course, the Senate committee having first accorded the privilege, not a right, to the police department to be represented by counsel, I would see nothing at all improper or

irregular in the committee continuing to accord that privilege to counsel representing the department as a whole. I would see, however, a very great inconsistency, and a grave danger of trouble and annoyance to this committee in its work to accord the privilege to any portion of the police department to be represented by counsel. We do not know here any distinction whatever, between the uniformed force, and any other part of the force. The commission of this committee is to inquire into the alleged corruption, etc., of the police department, as an entity, as a whole. Your honors will see that if the privilege be accorded to counsel to appear for the uniformed force, that is a quantity that we know nothing of; we can not measure it; and we have no means of fixing upon them any responsibility. We are dealing with the department; and the heads of that department recognized by law, and recognized by this committee, are the police commissioners; and it was upon that theory that the committee accorded the privilege. Now, further, the counsel of the department, heretofore representing that department, either singly or in a dual capacity—I can not speak for Judge Ransom's action—but so far this committee has not been officially notified of any resignation of any counsel heretofore appearing before it. Whatever letters may have appeared or communications may have passed between Mr. Nicoll and Inspector Williams we can not officially recognize, because Inspector Williams is not the police department—sometimes he may have thought so—but as the legal fact he is not the police department; therefore, we can not take cognizance of any communication passing between Mr. Nicoll and Inspector Williams; and it would be proper to preserve the regularity of the proceedings, if there be any substitution of the counsel by reason of any change in counsel, that substitution should be made in a formal and regular manner. When Mr. Nicoll appeared here by himself, and, subsequently, was aided by Judge Ransom, he addressed this committee, and asked the privilege of this committee to associate with himself Judge Ransom on behalf of the department, and the request was granted by this committee. I have no doubt, if Mr. Nicoll or Judge Ransom came here this morning and should ask the committee to associate with them Mr. House, I have no doubt the committee would as courteously concede the request as they did to Mr. Nicoll or did to Mr. Ransom.

Chairman Lexow.—Have you any official communication that either Mr. Nicoll or Judge Ransom have retired?

Mr. Goff.—None whatever.

Chairman Lexow.—On the application of Judge Curtis we promptly refuse and decline to allow him to represent any specific individual.

Mr. Goff.—In so far as the present application is made by Mr. House, it would give me great pleasure to be in court with him; but it is not for Mr. House alone to speak, or against his application, from any personal point of view whatever; I speak from my own professional duty to the committee and to avoid hereafter possible complications and annoyances which would inevitably arise, if any section of the police department were permitted to be represented, because if the uniformed force be permitted separate counsel it would follow that inspectors would have a right to separate counsel, and the captains would have a right to separate counsel, and so down to the doormen in the police stations, they would have a right to separate counsel.

Chairman Lexow.—Not only that, but the committee laid down the proposition at the start of this investigation that we were not attacking private character, but we were ascertaining a system, and any representation of the police department was to be in aid and not antagonistic to the committee; therefore, the counsel must represent the police department as a system. If we accorded to the individual members of the force or members of the department any right to representation in the committee here, each and every member of the force who is connected incidentally, in order to ascertain the workings of the department, would equally have the right to representation by counsel.

Senator Saxton.—I suppose Mr. House is here to represent individuals.

Mr. House.—No; I have not meant to be so understood, if I have been so understood, as announcing the fact that I represented individuals. Now, so far as —

Senator Saxton.—What I mean is, do you mean to say you have a retainer from the entire uniformed force?

Mr. House.—I have a retainer from the inspectors, and my partner, Mr. Friend, and myself, were retained. We were notified by all the inspectors of the police department of this city, that in that retainer that I not only represented the captains, but through the captains represented the men attached to each precinct. Now, so far as the representation of Mr. Nicoll is concerned, I am not advised as to what position he really did

occupy here. My present impression is that by virtue of his employment by the police commissioners themselves that he likewise at that time represented the entire department. Now, he has seen fit for some reasons, as I have stated before, he known to himself, to throw up that retainer, with the exception of one case. Now, my friend, Mr. Goff, says we should have come here armed with an official substitution on the part of Mr. Nicoll. Now, so far as Mr. Nicoll's position before the committee was concerned, it was merely your permission at any time—

Chairman Lexow.—I understand, Mr. House; but Mr. Nicoll is in the position at any moment to appear before this committee and claim he still represents the department of police and our records show we have recognized him as representative of that department, and until it is eliminated from the records and you, by a proper substitution, or by a resolution passed by the police commissioners, or by some competent authority appointing you in the place in lieu of the substitution of Mr. Nicoll, it seems to me we can not recognize you, Mr. House. At the same time, inasmuch as we laid down the proposition that anything in aid of the committee would be agreeable to be received, you may remain here, and if you can aid the committee, we will be glad of your assistance.

Mr. House.—I am obliged to you for your kind invitation to remain, but if I tried to examine the witnesses, I probably should not aid the committee very much.

Senator O'Connor.—If that is your position, that shuts you out as counsel with the committee.

Chairman Lexow.—Even if you should secure a substitution it would seem to me as though the language you just used would absolutely debar you from appearing, because you assume that the police department and the uniformed force do not want to twist or contort the facts, and want the truth to appear; and, therefore, they do not want counsel to use his abilities to twist the truth, but to get at the truth.

Mr. House.—Certainly; by that, I did not mean to say that we intended to appear as obstructionists. We are here to aid the committee as far as possible; but if we found that a witness on the stand was not telling the truth, we should try to straighten him out as far as we could. Of course, I have got to bow to the will of the committee. I am obliged to the

committee for the kind attention and the kind way in which the chairman has spoken.

Chairman Lexow.—Senator O'Connor suggests that it seems to be the opinion of all the members of the committee here that, until Messrs. Nicoll and Ransom, who have been recognized as counsel for the department, authoritatively place on record here their withdrawal from the case, that we can not even consent to hear anybody else.

Mr. House.—And then, if we could not get a retainer from the commissioners, but from the other part of the force, I understand our appearance will not be permitted.

Chairman Lexow.—We will settle that when the proper time is reached. When we reach that bridge we will cross it.

Mr. House.—Very well; I am very much obliged to you for your courtesy.

Charles A. Hanley, called as a witness on behalf of the committee, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Sergeant, what time is it? A. Half-past 11.

Q. Will you allow me to look at that watch? A. Certainly.

Q. Thank you; it is quite a rarity in workmanship, isn't it?

A. Yes, sir.

Q. This watch strikes the hour, doesn't it? A. No, sir; it does not.

Q. How long have you had that watch? A. About 15 months.

Q. Where did you get it? A. I bought it from the pawnbroker on Thirty-eighth street, named William A. Glover.

Q. How much did you give for it? A. Fifty dollars.

Q. What is the monogram on the back of it? A. I think it is "J. W. S."; there is an inscription on the cap also.

Q. Is it not your monogram? A. No, sir; it is not.

Q. Will you read that for me; my eyes are not very strong?

A. "Warnick Sedgwick, from his grandfather, July 22, 1891."

Q. And when do you say you bought this from the pawnbroker? A. About 15 months ago; the exact day I could not say; it may be two years.

Q. How did you come to go to a pawnbroker to buy a watch? A. My business brings me in a pawnshop.

Q. You are a detective attached to the central office in this city? A. Yes.

Q. You hold the rank of detective sergeant? A. Yes, sir.

Q. What was the particular business that brought you into this pawnbroker's at that time? A. I suppose I was looking for some stolen property at the time.

Q. Can't you define more closely than a supposition? A. No, sir; because our business is so great, we handle so much in a year, we can not keep track.

Q. Isn't there some record kept in police headquarters? A. No, sir; not of our visits to pawnshops.

Q. Can you state now, if you went to this pawnshop in pursuit of or for the discovery of any stolen property particularly? A. I either went there for that purpose or to see if I could ascertain any information in regard to any.

Q. Do you know what property was stolen that you was seeking information in regard to? A. No, sir; I can not recall any.

Q. Well, sergeant, who did you see when you called upon the pawnbroker? A. Mr. Glover, or his clerk.

Q. Did you inquire from him for stolen property? A. Always do when we go in.

Q. Did you in this case? A. I think I did.

Q. Will you say you did or not? A. I would not say whether it was a casual visit, seeking information, or whether I went there directly after some information.

Q. What information did you expect to obtain or casual information? A. A pawnbroker will always tell when we come in whether he has anything that don't look exactly right; he will call our attention to it in nine cases out of 10.

Q. Did the pawnbroker call your attention to this gold watch? A. It was lying in the case, and attracted my attention, and I spoke to him about it, and he placed it out.

Q. Did you examine it then? A. I did, sir.

Q. You saw the initials upon it? A. Yes, sir.

Q. Did you see the inscription inside? A. Yes, sir.

Q. Did you make any inquiries concerning Warnick Sedgwick? A. No, sir; because he told me —

Q. Please answer my question? A. No, sir.

Q. I suppose that you know that frequently stolen property was placed with pawnbrokers? A. Yes, sir.

Chairman Lexow.— He said he went there to see whether it was; as I understand it, that was the object of his visit.

Mr. Goff.— At that time the officer is not able to state whether

he went for information. or after stolen property; he is not able to say which.

Chairman Lexow.— But after information with reference to stolen property, or about stolen property, one or the other.

The Witness.— It is either one or the other

By Chairman Lexow:

Q. The idea you had in mind at the time you went there on either occasion was that you were investigating in reference to stolen property? A. Yes, sir.

By Mr. Goff:

Q. Was there a brother officer with you? A. No, sir; I don't think there was.

Q. Did you inquire from the pawnbroker how long he had the watch in his possession? A. He, I believe, told me —

Q. No; don't believe it; tell us what he told you? A. I am trying to recall it; he said the watch had run out, and he would put it in a sale and buy it back for me as the law compels them to put it in a sale at the expiration of a year.

Q. Your name is Charles? A. Charles A.

Q. Well, you bought this watch 15 months ago? A. Somewhere around that time.

Q. That would be about May or June, 1893? A. The exact time I can not give you.

Q. According to your own estimate? A. Mr. Glover's books will give you the exact time.

Q. I am not questioning about that; I am talking about your memory; that would be about June, 1893? A. Yes.

Q. According to your calculation; and the pawnbroker told you that he had this in over a year? A. It had run out; yes.

Q. It had run out? A. Yes, sir.

Q. That would bring it beyond June, 1892? A. Yes, sir.

Q. The time of the pawn? A. I should judge it was pawned — what date it was pawned I don't know, sir; I didn't see his book.

Q. He told you it was over a year? A. Yes, sir.

Q. Did you make any inquiries as to who Sedgwick was? A. No, sir; because he said he knew the person.

Q. He knew the person? A. Yes, sir.

Q. Did he tell you where he lived? A. No, sir; he did not.

Q. After he told you that he knew the person, why didn't

you inquire where he lived? A. Because the man was a reputable man, and his word was sufficient for me.

Q. The pawnbroker's word was sufficient? A. Yes.

Q. And he told you he knew the person who owned this watch, and it being a presentation watch from his father, but a year previous to 1891, you made no inquiry? A. No, sir; none whatever.

Q. But bought it on the pawnbroker's word? A. Yes.

Q. Did it never occur to you that this watch had been stolen? A. No, sir.

Q. I suppose you are of an unsuspicious nature? A. No, sir; I am not.

Q. You have been dealing with pawnbrokers for stolen property for a long time? A. Yes, sir.

Q. When you dealt with pawnbrokers for stolen property, and you discovered a thief, what did you do? A. We generally got an order from a magistrate for the production of the prisoner in court.

Q. But the owner of the property, how did he act? A. Sometimes it is placed in the hands of the property clerk and when the case is decided, either tried or dismissed, the court gives an order to the person they think is legally entitled to it.

Q. And when the thief is not arrested, and where the owner of the property identifies the property in possession of the pawnbroker, what course is pursued then? A. They generally see the pawnbroker.

Q. Do you know of any case where the pawnbroker has been sued? A. No, sir; I do not.

Q. How many times have you recovered property from pawnbrokers? A. They are too innumerable; I do not remember.

Q. They are so innumerable, that you can not state any one case where there has been a suit? A. Yes, sir; I can, in one case.

Q. Tell me the case? A. It was a case where a person was arrested in Brooklyn; I went over to see him and he gave the information that the property he had stolen in New York was pawned with Simpson's, on Chatham square; he gave the number, or rather the name on which it was pawned, and the amount; I brought the complainant here, and they identified the property, and after this man was convicted in Brooklyn, the plaintiff redeemed the property.

Q. Redeemed the property by paying for it? A. By paying for it.

Q. Isn't that the custom? A. Unless we get the thief.

Q. Isn't it the custom that the owner of the property pays to the pawnbroker the amount of money which the pawnbroker has advanced upon the stolen property? A. It is optional with the customer whether he does or not.

Q. I know; but that is a general condition, before he can get the property, isn't it? A. No, sir; it is not.

Q. Did you ever stand by while a complainant paid for the property that had been stolen from him? A. Yes, sir.

Q. And the pawnbroker—in what case; tell me? A. In the case of a colored man, I arrested, from a man named Thomas.

Q. Is Thompson in New York? A. Thomas is the complainant; he is dead.

Q. Give me the name of some man that is living? A. I could not just at present, Mr. Goff.

Q. Just refresh your memory; your cases must be so numerous you must have a diary, mustn't you? A. I could not recall a case.

Q. You mean to say your memory has failed you? A. No, sir.

By Chairman Lexow:

Q. Do you keep a record of them? A. In some cases.

Q. Have you a record of cases where you go into pawnbrokers to get stolen property? A. No, sir; we are obliged to go into pawnbrokers' 20 times a day.

By Mr. Goff:

Q. You mean to say you do not keep a memorandum book? A. No, sir.

Q. Don't your brother officers keep a memorandum book? A. I can only answer for myself.

Q. Isn't it a fact that the owners of stolen property have invariably to pay money to pawnbrokers—the money they have advanced, isn't that a fact? A. No; I don't think it is.

Q. Will you swear it is not? A. No; I will not.

Q. Don't you know it has occurred in very many cases where you have been the officer? A. No; I don't think it has.

Q. Has it ever occurred but in this colored man's case? A. That I won't answer.

Q. What? A. That I can not answer.

Q. Will you swear it has not occurred? A. No, sir.

Q. Will you swear it is not the invariable rule, I ask you again, for the owners of stolen property to pay to the pawnbrokers, in order to recover their property from the pawnbrokers? A. No; it is not the invariable rule.

Q. Don't you know as a matter of fact the detectives stand in with the pawnbrokers in this — A. Well,—

Q. Hold on; your memory does not fail on this question does it? A. Put the question.

Q. You did not wait for me to put it, and your memory is very good on it; wait until I put it; your memory has failed you so many times, it might fail you this time; I will put it again, sergeant; isn't it a fact that the detectives have an understanding with the pawnbrokers of this city, that when stolen property is found in their possession, that the owners of that stolen property shall pay the amount which the pawnbroker has advanced to the thief; did it ever occur, to your knowledge? A. Not where the thief was arrested and convicted.

Q. Did it ever occur any place?

By Chairman Lexow:

Q. Whether in any other case? A. Not that I recall.

Q. Why did you make that exception? A. Because he asked me if I could tell any case where any person who had the thief arrested had paid the pawnbroker for his property.

Mr. Goff.—I did not ask that question; has your memory been affected very long, sergeant?

A. No, sir.

Q. It is in fairly normal condition now? A. Yes, sir.

Q. As good as it ever has been? A. Yes, sir.

Q. (The following was again repeated to the witness.) Is it not a fact that the detectives have an understanding with the pawnbrokers of this city, that when stolen property is found in their possession, that the owners of that stolen property shall pay the amount which the pawnbroker has advanced to the thief? A. I did not say anything about the thief there.

By Chairman Lexow:

Q. Now, I ask why you make that exception? A. Because the complainant felt disposed to pay it; nothing else.

By Mr. Goff:

Q. Is it not the custom of the office to send around postal cards?

Senator O'Connor.—Does he mean to say where a thief has been convicted, it is the custom for the owner of the property to pay the amount?

The Witness.—It is generally settled in a civil suit between them and the pawnbroker.

Q. Is it the custom in those cases where the thief has been convicted criminally for the owner to pay the amount advanced to the thief? A. Yes, sir.

By Chairman Lexow:

Q. You say it is the general custom that a suit is brought between the parties? A. Yes, sir.

Q. And yet, in your answer to Mr. Goff's question, you said you had knowledge of only one suit in your experience having been brought for that purpose? A. Yes, sir.

Q. How do you harmonize those two statements, where you say you are on the track of these pawn cases all the time, and yet you know of only one case in which a suit has been brought between the parties? A. Where I was subpoenaed as a witness, and have personal knowledge of it.

Q. Then, why did you state it was the usual custom to settle these matters by suit? A. Because the pawnbroker tries to get his money by retaining possession of the goods.

Q. You say you only know of one case? A. Yes, sir.

Q. How can you testify that it is the usual custom for a suit to be brought? A. Because we invariably tell them, "Your property is there; you have redress by replevin and suing;" and my remembrance of that watch —

By Senator Saxton:

Q. Did you advise them to pay the money advanced by the pawnbroker rather than have a suit? A. Yes, sir.

Q. They usually pay the amount? A. Yes, sir.

By Chairman Lexow:

Q. You tell them substantially, unless you pay the amount advanced by the pawnbroker, you will have to have a suit? A. Yes, sir.

By Mr. Goff:

Q. Did you ever hear it stated, with your great experience, your innumerable cases — did you ever hear it stated, by a judge of the Court of General Sessions, that stolen property, found in the possession of a pawnbroker, belonged absolutely to the owner, and that the owner had no right or obligation to pay money for his own property that had been stolen; did you ever hear that stated? A. Yes, sir.

Q. And yet, in the face of that knowledge, you turned around and permitted owners of stolen property to be buncoed out of money for their own property? A. No, sir; I never was present at any other transactions.

Q. You have stated to the learned Senators that such is the custom? A. You asked me if such is the custom, and I say, "Yes."

Q. In relation to this question of stolen property, it is the custom of the detective bureau to send out postal cards to the various pawnbrokers? A. If a person so desires.

Q. If a person so desires, and pays for them? A. Yes, sir.

Q. And I suppose you have seen a great many of those postal cards? A. Yes, sir.

Q. And a great many people who have lost property in many cases have gone to you and requested that the postal cards be sent? A. Yes, sir.

Q. And the postal cards are printed? A. Yes, sir.

Q. Printed by order of Sergeant Robbins? A. No; Sergeant Bird.

Q. Did not Robbins used to have charge of that? A. I don't know Robbins.

Q. Sergeant Byrnes? A. Bird.

Q. Oh, I knew it was of a feathered nature, anyway; I knew it was a bird, but I called it robin; he attends to the printing of the cards? A. Yes, sir.

Q. Do you know where they are printed? A. No, sir; I do not know.

Q. Do you know who prints them? A. I think a man named Evans prints them.

Q. Where does he print them? A. One time he has been in Cortlandt street, and another time in Jersey.

Q. Mostly in Jersey, wasn't he? A. That I could not say.

Q. And the owner of the property from whom it has been

stolen pays to Sergeant Bird the amount necessary to send out these postal cards? A. Yes, sir.

Q. And on those postal cards a description of the property is invariably given; isn't it? A. Yes, sir.

Q. And sent around as notice to the pawnbrokers to look out for this stolen property? A. Yes, sir.

Q. Don't you know on all of those postal cards the words are printed, "Owner will pay for the property?" A. "Pay all advances."

Q. So it is a recognized thing of the department that persons who have been robbed of their property — the department informs them they will have to pay all advances made by the pawnbrokers to the thieves? A. Yes.

Q. That is the system of the department, and that is the system since you have been there? A. Before I went there.

Q. Had you a watch before you bought this watch? A. Yes, sir.

Q. Where did you get that watch? A. I bought that on the Bowery.

Q. From whom? A. A man of the name of James P. Murphy.

Q. When? A. Some years ago.

Q. How many years ago? A. I could not recall it; probably eight years ago.

Q. Where is the watch Jerry McNally gave you? A. He never gave me a watch.

Q. Are you positive of that? A. Positive.

Q. Never gave you a present of a watch? A. No, sir.

Q. On New Year's? A. No, sir.

Q. What did you do with the watch? A. Never had it.

Q. Do you know Jimmie McNally? A. I do.

Q. Where is the watch you had? A. Pawned in Stern's.

Q. When did you pawn it? A. About nine months ago.

Q. In where? A. In Stern's.

Q. Give us the address? A. It is Thirty-first street, between Broadway and Sixth avenue.

Q. Have you got the pawn ticket with you? A. No, sir; I haven't.

Q. Had you met with financial reverses? A. I was a little short and needed money.

Q. Losses on the race track? A. No, sir.

Q. Let us get Stern's address again? A. Thirty-first street, between Broadway and Sixth avenue.

- Q. How much money did you get on it? A. Sixty dollars.
- Q. What is your salary? A. Two thousand dollars a year.
- Q. Are you a married man? A. Yes, sir.
- Q. How many children? A. Two.
- Q. Where do you live? A. No. 324 West Fifteenth street.
- Q. Live quietly, I suppose? A. Yes, sir.
- Q. And you were so embarrassed in circumstances that you had to pawn your watch? A. Yes, sir.
- Q. What was your immediate cause of embarrassment? A. That I can not say.
- Q. Have you lost money before that? A. I could not say whether I had or not.
- Q. What did you need money for, to pawn your watch? A. I wanted money in advance.
- Q. For what? A. For current expenses.
- Q. Your \$2,000 a year has enabled you to support your family? A. Yes, sir.
- Q. Have you to pawn your jewelry, from time to time, to meet expenses? A. I would sooner do that than borrow money.
- Q. Have you to pawn your jewelry, from time to time, to meet expenses? A. That is about the second time it occurred.
- Q. What was the particular emergency of this case? A. I could not answer that.
- Q. I suppose you have done business with Stern in the way of visiting him for information? A. Yes, sir.
- Q. And you have succeeded in recovering stolen property for several people in Stern's office? A. Yes.
- Q. You say you haven't the pawn ticket? A. No, sir; not with me.
- Q. Did you pawn the watch in your own name? A. Yes, sir.
- Q. Use your name on the ticket? A. I think it is.
- Q. If you did, it ought to be? A. It will be there.
- Q. By the way, you have no objection to letting us look at that ticket, have you, sergeant? A. I haven't the ticket.
- Q. Where is the ticket? A. It is home.
- Q. You have the ticket in your possession at home? A. Yes, sir.
- Q. When you go home will you bring it down? A. With pleasure.
- Q. You say you know Jimmie McNally? A. Yes, sir.
- Q. Will you give us the date of the pawning, as near as possible? A. I could not.

Q. About the time? **A.** I will bring the ticket to you if you want it.

Q. Oh, no; we are impatient sometimes? **A.** It is about eight or nine months.

Q. In your own name, as Charles A. Hanley? **A.** In the name of Hanley; whether it is Charles A., I don't know.

Q. Under the name of Hanley; that is the name you gave? **A.** Yes; in the name of Hanley.

Q. Did the watch which you pawned belong to yourself? **A.** Yes, sir.

Q. You have bought that watch from another pawnbroker? **A.** No, sir; I bought it from a man, a dealer.

Q. Do you know the name of the watchmaker of it? **A.** The name of the watch was Pattek Filley, Tiffany.

Q. Tiffany was the manufacturer, of course? **A.** I don't know the maker of the case.

Q. You are sure your wife never owned that watch? **A.** No, sir.

Q. By the way; what is your wife's name? **A.** Rose.

Q. Rose Hanley? **A.** Yes, sir.

Q. Real estate belonged to you is in her name, isn't it? **A.** No real estate whatever, sir.

Q. What? **A.** None whatever.

Q. Is there any real estate in her name? **A.** No, sir.

Q. Or in yours? **A.** No, sir.

Q. In neither? **A.** No, sir.

Q. Did you ever purchase any real estate? **A.** No, sir.

Q. How long were you on the staff; how many years? **A.** On staff about 10 years, on the detective squad.

Q. You say you knew Jimmie McNally? **A.** Yes, sir.

Q. Have you a nickname? **A.** I always knew him by that name.

Q. You were intimate with him? **A.** No more than I am with any other thief I meet.

Q. He was a thief? **A.** Always considered him such.

Q. Did you ever arrest him? **A.** Yes, sir.

Q. When? **A.** I think it is December 2, 1887.

Q. What for? **A.** For sending circulars through the mail.

Q. Oh, a green goods man? **A.** Yes.

Q. Yes; that is the man that is called the queen of green goods men? **A.** So I have seen in the paper.

Q. You have heard him so called? **A.** Yes, sir.

Q. Was he convicted? A. No, sir.

Q. How far did the case go? A. To the police court.

Q. Any further? A. No further.

Q. Who was the judge that let it go no further? A. That I can not say.

Q. On whose complaint did you arrest McNally? A. It was the complaint of the inspector who sent us out to hunt up all these green goods men.

Q. What inspector? A. Superintendent Byrnes was inspector then.

Q. Was that the first time you became acquainted with McNally? A. Yes; I think it was.

Q. Give us that date again? A. I think it is December 2, 1887.

Q. December 2, 1887; that was your first acquaintance? A. Yes.

Q. You have no objection to sending a man up to your house to look into your apartments, have you? A. None whatever.

Q. And have you got that banquet lamp in your house? A. No, sir.

Q. What became of it? A. There were two lamps there which my wife has got.

Q. Yes; I know; two large lamps? A. Yes.

Q. Who bought those lamps? A. My wife.

Q. Where? A. I could not say.

Q. When? A. I could not say.

Q. How much did she give for them? A. I don't know.

Q. Ten years ago did she buy them? A. No.

Q. Five? A. No.

Q. Who paid the money? A. She did.

Q. How much? A. That I could not say.

Q. You gave her your money, I suppose, for household ex-
penses? A. Yes, sir.

Q. And you let her do what she pleased with it? A. Yes, sir.

Q. Did she pay the rent out of the money you gave her? A. Yes, sir.

Q. She does everything? A. Yes, sir.

Q. And you give her a certain amount? A. Yes, sir.

Q. And out of this amount she bought these banquet lamps?
A. I presume she did.

Q. Let us have her address again? A. Three hundred and twenty-four West Fifteenth street.

Q. Mary Hanley? A. Rose Hanley.

Q. Would you, please, tell me, sergeant, do you — you have as in your apartments? A. Yes, sir.

Q. And are these the lamps those large ones with petticoats upon them? A. I think that is a shade on it.

Q. What color is the shade? A. I could not recall just now.

Q. Black, white, yellow, red? A. I think it is more of a yellow.

Q. Is that the only one that has got a yellow shade upon it? A. Yes, sir.

Q. And that is made of some soft material — silk or something of that kind — isn't it? A. I presume so; I have not examined it.

Q. It is a lamp that stands on the floor? A. No; it is standing on a little stand.

Q. And it is more for ornament than for use? A. Yes.

Q. Will you describe the other lamp to me? A. The other lamp is a small figured China lamp.

Q. Well, that is used sometimes? A. Yes.

Q. Well, officer, you have no objection to have that lamp brought down here; we would like to see something artistic? A. If my wife would permit anything to be brought from the house, it will be brought with pleasure.

Q. We will have to get her to give her permission? A. I won't raise any objection.

Q. You arrested McNally, you say, and that was your first acquaintance with him? A. Yes.

Q. Did you ever see him after that? A. Yes.

Q. Very frequently? A. Yes.

Q. Did you ever arrest him after that? A. No, sir.

Q. But you knew he was in green goods business? A. Not positive.

Q. You entered a complaint at one time against him? A. No, sir.

Q. You described him a little while ago as a thief; did he reform? A. I could not say.

Q. You would recognize him? A. No more than any other person I met.

Q. Do you remember the night you were in his apartment when two ward officers went in there? A. Yes, sir.

Q. How long was that after you made an arrest? A. That was, oh, years after.

Q. And you was on such intimate relations with him as to visit him in his apartments? A. I went there for the purpose —

Q. Never mind the purpose? A. I went there with an object

Q. There was not a brother officer with you? A. No, sir.

Q. And you saw the officers; do you remember their names? A. No; I could not.

Q. Well, the precinct that they belonged to? A. Twentieth precinct I think.

Q. Twentieth precinct; that is at present commanded by Captain Price? A. Yes.

Q. It was two ward officers of that precinct that went in there? A. I think it was.

Q. They were sitting and resting in McNally's rooms? A. Yes, sir.

Q. Did you arrest McNally that night? A. No, sir.

Q. Do you know whether the ward officer arrested him that night? A. No, sir.

Q. Was it the next night? A. I could not say whether it was the next night or several nights afterward.

Q. When they saw you there did they ask to be excused? A. They came in and went out.

Q. When they saw you? A. Yes.

Q. And in a night or two they arrested him for opium smoking? A. Yes, sir.

Q. And he was discharged? A. I don't know.

Q. Did you ever hear what was done with him? A. That I could not say.

Q. You saw him some months after that? A. Yes, some months after that.

Q. And he did not tell you he had been convicted? A. No, sir.

Q. Were you in his apartments very frequently after that? A. No, sir.

Q. Very frequently before it? A. No, sir.

Q. You started to tell us the purpose you went to his apartment for? A. To get information.

Q. Information in regard to what? A. In regard to violation of law.

Q. What violation? A. Anything he might be able to tell me.

Q. Was he a stool pigeon for you? A. No, sir.

Q. Why did you go to him for information of violation of law? A. Because we get information from people of that description.

Q. They are called, popularly speaking, stool pigeons? A. No, sir; but they often tell us without knowing what we are going to use the information for.

Q. You went to get him to tell of any violations of law? A. Anything he could tell me.

Q. For instance, the violations of the Sunday liquor law? A. No, sir; we never touch that.

Q. That is too small? A. We are never sent out on that.

Q. Can't you give us any more definite information as to your object going to see McNally that night? A. Nothing more than that.

Q. Did you ever go to him before for specific information as to violation of law? A. I went to him as I would to any thief I would meet casually.

Q. Did you ever go to him before, sir, to ask him for information as to specific violations of law? A. Not that I can recall.

Q. That the only time in your life? A. I was there once since.

Q. Did you ever receive from him any information in regard to specific violation of law? A. No; not that case.

Q. In any case? A. I decline to answer.

Q. On what ground? A. Because it would show means by which we would obtain information; it would show a channel by which we obtained information, and would deter others from speaking to us.

Q. You hold confidential communication with thieves in this city and you would not disclose the information you received? A. To a certain extent.

Q. And it is from information you obtain from thieves that you make arrests? A. Yes.

Q. And your boasted detective skill is largely based on the information you get from thieves? A. Yes, sir.

By Chairman Lexow:

Q. Did you discriminate between different classes of pawn-brokers? A. No, sir.

Q. Are some of them on friendly terms with you or the department, and others not? A. Well, they are liable to make a discrimination the same as any other person.

Q. And some of them will regard you favorably and others will regard you with extreme disfavor? A. No, sir; I treat them all fairly.

Q. What do you mean, then, by saying the department makes a discrimination between the different classes of pawnbrokers?
A. I did not say that; you misunderstood me.

Q. What did you mean? A. The pawnbrokers.

Q. The pawnbroker is liable to make a selection among sergeants? A. Yes, sir; to give them information.

Q. So, with some sergeants of the department, they are on more intimate terms than with others? A. Yes, sir.

Q. And were you one of those who had been specially picked out by the pawnbrokers as a friendly person? A. No, sir.

Q. When they made this selection, was it because these particular sergeants favored them in any respect? A. That I could not say.

Q. Now, is it not a fact that if, instead of using your authority to compel property owners to pay back the amount pawnbrokers had loaned upon property that was stolen, you did use your authority to compel pawnbrokers to give back property to the owners, that they would have been likely to do so? A. No, sir; I hardly think you can make a man give back money — to lose money when he pays a license to carry on that business.

Q. He pays a pretty good rate of interest, does he not? A. He gets 30 per cent. on \$100 and under.

Q. That high rate of interest is given to cover such risks? A. Yes.

Q. Is it not a fact that the pawnbrokers are violating the laws of this city and State right along? A. Not that I know of; I merely think that there is no pawnbroker that I know would receive stolen property.

Q. Knowing it to be stolen; after the information is brought to their mind that it has been stolen, and reputable citizens demanded it back, do the police exercise their authority to see that the property is redeemed without the payment of money? A. No.

Q. They try to do just the other thing, don't they? A. No, sir; if we can get a person — these gentlemen take the property from the pawnbroker on an order from court, and let it remain with the property clerk, and let the court decide.

Q. The police department has large influence over the pawnbroker, hasn't he? A. To a great extent.

Q. Did you ever seek to exercise that influence for the purpose to see that the property owner who has lost property gets

is property back without paying blackmail? A. We always try to do it.

Q. Don't you know it is a blackmail on the property owner to compel him to pay money to secure back property that has been stolen from him? A. No, sir; I do not.

Q. Do you consider that blackmail? A. No, sir; I do not.

Q. You think that is not one of the risks in the pawnbroker's business? A. I think, if the pawnbroker can get his money, he is entitled to it.

Q. No matter whether the property is recovered or not? A. And no thief arrested.

By Senator Saxton:

Q. How many pawnbrokers are there in the city? A. I think 1,020.

Q. You say the card sent out by the police force describing the stolen property has on it, "The owner will pay the advances of the pawnbroker"? A. Yes, sir.

By Senator O'Connor:

Q. That is for the purpose of allowing the pawnbroker to be reimbursed for money advanced on the property? A. Yes.

Q. Do you think it is proper for the police department or the detective force of this city to try to extort money out of people whose property is lost, and aid the pawnbroker instead of the real owner of the property; is that your idea of what a detective force ought to do? A. No, sir; but I consider it is a simple contract between that man and the pawnbroker.

Q. Why do the detective force—where is the contract between the pawnbroker and the owner of the property? A. On that card.

Q. On the card? A. Yes, sir.

Q. In other words, it is made through the police department? A. It is explained to the gentleman, and the person who is sending the cards out, and in that way, if he chooses to assume that risk, well and good.

Q. The police helped the pawnbrokers to make a contract with the owner? A. No, sir.

By Chairman Lexow:

Q. Don't you tell the owner of the property that comes to get back property that is stolen, that unless he makes that contract with the pawnbrokers he can not get the property back?
A. That unless he sees the pawnbroker he won't give it up.

Q. And you, as the police force, can not get it back unless he enters into the contract? A. Yes; he can not get it back that is a fact.

By Senator Cantor:

Q. On that point; these cards are sent out after complaint are made by citizens that property has been stolen? A. Yes sir.

Q. After they have made complaints? A. Yes, sir.

Q. Not after the knowledge comes to the police department?
A. No, sir.

By Mr. Goff:

Q. And don't you know, officer, that where a person has complained that his property has been stolen and you discover that property in a pawn shop, and should the pawnbroker refuse to give up the stolen property, don't you know a search warrant would procure that property, whether the pawnbroker liked it or not; don't you know that? A. That is very —

Q. Do you know it or don't you know it; do you know it or don't you? A. A search warrant will produce the property, if it can be got.

Q. With that knowledge in your possession, that a man whose property has been stolen, and you locate and place that property in a pawnshop, and you with the knowledge that if the pawnbroker refuses to give them up, you can compel him to give it up by the force of a search warrant, you yet stand by the pawnbroker and aid him in obtaining the money he has given to the thief on that property? A. I have never had a case of that kind.

Q. Isn't that a fact; never mind the case?

By Chairman Lexow:

Q. That is the situation, isn't it, substantially.

By Mr. Goff:

Q. Isn't that the situation? A. No; it is not, that I can say.

Q. Did you ever get out a search warrant? A. Yes.

Q. Where? A. For a place on Division street.

Q. A pawnshop? A. Yes, sir.

Q. Who was the pawnbroker? A. Droff.

Q. Who was the complainant? A. Little Brothers.

Q. What was the lost property? A. A case of gloves.

Q. Did the pawnbroker refuse to let you see the property?

A. No, sir.

Q. If you could have examined his place, why did you get out a search warrant? A. Because I saw an entry in his book, "gloves, 25 cents."

Q. Did you ask to see the gloves? A. Yes, sir.

Q. Did he refuse to show them to you? A. He brought down a small portion.

Q. Did the owner recognize the gloves? A. Yes, sir.

Q. Why didn't you take the gloves? A. I did bring them; I got a search warrant before that.

Q. Was that the only search warrant you ever got? A. Yes, sir.

Q. In innumerable cases you only got one search warrant, in your connection with the central office? A. Yes, sir.

Q. The value of the property you got the search warrant for was 25 cents? A. That was what was on the —

Q. That was the amount he advanced? A. That was on his book.

Q. And you have recovered property valued up in the thousands? A. Yes, sir.

Q. And you never obtained a search warrant for any valuable property? A. No, sir.

Q. But for property on which 25 cents had been advanced you went to the trouble of a search warrant? A. Yes, sir.

Q. You said awhile ago you did not consider the payment of the money for his own property you know has been stolen, you did not consider it blackmail? A. No, sir.

Q. What do you consider it? A. I do not consider it blackmail.

Q. Do you understand the term "blackmail?" A. I do.

Q. What do you consider it then? A. I think if a person don't wish to take the remedy in court and wishes to pay to avoid trouble, is optional.

Q. You have stated you have heard judges in the Court of General Sessions declare time and time again that it was the right of the owner of property to recover and take his property wherever he could see it? A. Yes, sir.

Q. You, as an officer of high standing, and men whose property has been stolen and in possession of a pawnbroker, and who stands by and demands possession of that property, will you not aid him in getting possession of that property? A. Yes, sir.

Q. And yet you have never aided him? A. I have never had occasion.

Q. Did you ever have a case where a man refused to pay the money? A. Not that I can recall.

Q. Now, one Senator has asked you here if the police department does not exercise great power over the pawnbrokers; you have told them that the police department does? A. Yes, sir.

Q. You know that as a fact? A. Yes.

Q. You know that the law permits you to visit a pawnshop any hour of the day or night? A. Yes.

Q. You know the law gives you permission to examine his books? A. Yes, sir.

Q. You know the law gives you permission to go and examine for any property that has been stolen? A. No, sir; I never considered I had that power.

Q. You mean to say that you, as a detective officer receiving a salary of \$2,000 a year, that you are not aware of the law giving the right to the police department to go into the pawnshop at any hour of the day or night and seize any goods that had been identified by the owners as having been stolen by him; do you understand that? A. I do, sir.

Q. You are a \$2,000 officer and I want to get a standard of your intelligence of duty; the city pays you \$2,000 to attend to your duty.

By Chairman Lexow:

Q. Have you special functions? A. No, sir; everything.

Q. Do you have more to do with the pawnbrokers than any of the officers of the Special Sessions? A. No, sir; about the same as others.

Q. How many officers were detailed from the central office on that business? A. There is none detailed specially on that business.

Q. Did you have special pawnbrokers that you visited, and other officers have pawnbrokers that they visited? A. No; if I am going along I drop into any of the pawnbrokers and do not select any special ones.

Q. And you are on friendly relations with all of them? A. Yes, sir.

Q. And all the pawnbrokers have to be on friendly relations with the police? A. Not exactly so.

By Chairman Lexow:

Q. Is it not a fact if you recognize the powers conferred on you against one pawnbroker, and do not on the other, you drive him out of business in 24 hours? A. No, sir; I don't think I do.

By Mr. Goff:

Q. Don't you know of several occasions where the judges of General Sessions have ordered the pawnbrokers, in open court, to return the property to the owners? A. Yes, sir.

Q. Where the judges have done that, and you knowing it to be the law why should you not, as detective officers, do the same thing in the pawnshops where the owner identifies his property, instead of helping the pawnbroker to collect his money; why wouldn't you do that? A. I have been placed in that position.

Q. Is it not the fact that you get half of the money that the pawnbroker gets from the owner? A. No, sir; it is not.

Q. Of course you would deny it anyhow? A. No, sir.

By Chairman Lexow:

Q. Did you get any part of it? A. No, sir.

By Mr. Goff:

Q. Is it not notorious in the police force that the police gets half, at least, of the money received from stolen property for its recovery? A. No, sir.

Q. You mean to say you never derived a dollar; I know you will answer, "No;" you will answer "No," won't you? A. No; I will not answer "No."

Q. Did you ever receive a dollar? A. I may have received a small compensation.

Q. From whom? A. I could not tell; from either party.

Q. From a pawnbroker? A. I don't know.

By Chairman Lexow:

Q. You said "from either party;" that must be from one or from the other, or from both; now, do you mean to include both the pawnbroker and the owner of the property, or except the one or the other; and, if so, which one do you except? A. I would only accept from the complainant.

By Mr. Goff:

Q. Don't say "only;" give the fact? A. I don't recall where the pawnbroker gave anything.

Q. Will you swear under your oath, which a false oath will involve perjury — will you swear you never received a dollar from a pawnbroker in the city of New York in relation to the transaction of restoration of stolen property? A. I will, sir.

Q. Positively? A. Positively.

Q. And you mean to say no pawnbroker in the city of New York would dare go on the stand and swear otherwise? A. I don't know what they would do.

By Chairman Lexow:

Q. Why did you say a moment ago, in answer to my question, that you did receive a small compensation from one or the other; why did you swear in one case you did not from the pawnbroker? A. He put that question in regard to a transaction.

Q. I put the question to you, Mr. Sergeant, and you said you admitted that you did receive a small compensation from one or the other; now, why did you state positively on oath, inasmuch as you put it in that case and did not remember whether it was from the pawnbroker or the owner of the property; why do you now swear definitely under oath that it was not from the pawnbroker? A. Because I can not recall an instance in which I received anything from a pawnbroker in that way.

Q. How many instances can you recall when you received it from the owner of the property? A. I can not say.

Q. Assuming that you can not now recall the number — A. Being not so many.

Q. But it is the usual custom? A. It is the usual custom.

Q. What percentage of the value of the property would you receive; did you charge anything for it? A. No, sir.

Q. You left it optional with the property owners? A. Yes, sir.

Q. In the course of your experience as sergeant, did you find the property owners fixed any average or amount of compensation? A. No, sir.

Q. In reference to the value of the property? A. No, sir.

Q. What was the largest amount you ever received? A. I think it was — well, I don't know.

Q. About? A. I think \$17.

By Mr. Goff:

Q. From whom? A. Mr. Thomas.

Q. Was that a percentage upon the value of the property? A. I should not judge it was.

Q. Why was it just \$17? A. Because he made out a check to me to go and draw and pay the pawnbrokers for his goods and have them sent to his place, and he says the balance you keep, and the balance between the amount of the expenses and the amount of the check was about \$17.

Q. And what was the next largest amount? A. That I could not recall.

Q. Did it vary from \$1 to \$17? A. More often nothing than anything.

By Senator Bradley:

Q. He asks what you received, not what you might have received? A. I could not recall.

Q. How often would you be able to find and get back property that had been stolen? A. Quite often.

By Chairman Lexow:

Q. Once a week? A. No.

Q. Once a month? A. About that; sometimes we would have four or five cases together, and then two or three months without any.

Q. You say the general average would be once a month every year? A. Yes.

Q. That kept up for 10 years? A. About.

Q. That would be 120 cases? A. Yes, sir.

Q. About how many cases would you receive on the aggregate from property? A. Not 3 per cent.

Q. Why do you fix that figure? A. Because it is so rare that I can not recall them.

Q. Didn't you say awhile ago, in answer to one of my questions, that it was the custom from the owner of the property to pay a small compensation? A. No; I did not say it was the custom; if it was offered gratuitously I would take it.

Q. When you said sometimes they would not pay anything you meant that sometimes to mean 97 per cent.? A. Yes, sir.

By Senator O'Connor:

Q. What was the entire amount of the check when you received anything? A. I can not tell.

Q. You do not remember how much the check was? A. No; I do not.

Q. Did you tell this man Thomas the amount that was due to the pawnbroker? A. Yes; because he came with me to the different pawnbrokers and saw the goods and the amounts.

Q. So he gave you a check for the amount that was due and \$17 more? A. Yes.

Q. And told you to keep the balance? A. Yes, sir; I think that is about the amount.

By Chairman Lexow:

Q. Do you dispute, sergeant, that you as a detective have a large influence over pawnbrokers with whom you come in contact in this city? A. I do.

Q. You dispute that fact? A. Yes, sir.

Q. You claim you have none? A. No more than what the law will give me.

Q. Do you mean to be understood here that in the 10 years of your experience you have never received any compensation from a pawnbroker at all? A. None that I can recall.

By Senator Bradley:

Q. I would like to ask a few questions; sergeant, to whom did you make a report; to what officer did you make your report; how often did you make your report? A. We report every morning to Inspector McLaughlin.

Q. What do you make this report from? A. We report in case we recover property in making arrests, the disposition of the prisoner and the disposition of the property.

Q. Do you carry this all in your brain? A. Every day we give it in as the case is through; we are compelled to return from court and give disposition of the prisoners and property.

Q. Isn't it a fact when you are on your rounds for the 24 hours you make a note of everything that occurs, and every officer has to do that of every thief he meets? A. No, sir; we do not.

Q. Keep no memorandum at all? A. No, sir.

Q. Keep it all in your head? A. Yes, sir.

Q. Don't you know it is a fact that every detective officer and every ward officer and every policeman has got a book that he makes a note of everything that occurs during his tour and has to produce that book and make a report every morning to his superior officer? A. No, sir.

Q. You don't know? A. No, sir.

Q. You are getting \$2,000 a year, and don't know that? A. No.

By Chairman Lexow:

Q. Do you know the reason why these cards are sent out from the department to pawnbrokers offering to reimburse them the amount that has been advanced upon property that was stolen? A. Because the person is anxious to get the property back in their possession.

Q. Do you mean to say that the result of that is that the property comes more readily back to the owner? A. Yes; the pawnbroker will notify us.

Q. In other words, that, instead of your having to go around from one pawnshop to another, in your capacity as special detective, to look up the property, that the pawnbroker is expected, as the result of that notice, to come to headquarters and present the property?

By Senator Saxton:

Q. That saves you work? A. Yes, sir.

Q. So that they shall pay? A. Not to pay.

By Mr. Goff:

Q. I wish to call your attention to the transaction of Mr. Thompson; you say he gave you a check? A. Thomas.

Q. Now, give us his first name? A. That I could not.

Q. What? A. I could not give you his first name.

Q. Give his place of business? A. He is dead now.

Q. Can't you give us the name of a live man? A. No, sir—
I can not.

Q. What business was he in? A. Theatrical business.

Q. Where was his office? A. Broadway and Twenty-seventh street.

Q. Give us the number; that is an indefinite description; what corner? A. It was on the southwest corner.

Q. What? A. Southwest corner.

Q. That was Bird & Thomas? A. White & Thomas.

Q. Thomas is dead? A. Yes.

Q. There was property stolen from White & Thomas? A. From Thomas.

Q. What was the property? A. Fur-lined overcoat, seal-skin sacque, and other little articles—clothing.

Q. How did you come to visit Thomas' office? A. Thomas came to police headquarters and made the complaint.

Q. After he made the complaint, you went out to look after the property? A. Yes.

Q. Did the pawnbroker send you word about it? A. No, sir.

Q. Where did you find it? A. I found some pawned in Sixth avenue, and some in Thirty-first street.

Q. Where in Sixth avenue, and with whom? A. Near Twenty-first street.

Q. With whom? A. Pawnbroker Lemon.

Q. What was the property? A. I can not give the exact number; between Twenty-eighth and Twenty-ninth.

Q. Did you find any pawned in any other pawnshop? A. Yes; in Stern's, on Thirty-first street.

Q. That is where you bought this watch? A. No, sir.

Q. Or where you pawned your other watch? A. Yes, sir.

Q. After you found the property in these two pawnshops, you then went and told Mr. Thomas that you had discovered the property, didn't you? A. Yes, sir.

Q. You went to his office? A. Yes.

Q. What was the amount of the advance? A. I could not recall it.

Q. Was it \$1,000? A. Oh, no, sir.

Q. Was it \$500? A. No; a small amount.

Q. Was it \$300? A. No, sir.

Q. Was it \$100? A. No, sir.

Q. How many officers were detailed from the central office on that business? **A.** There is none detailed specially on that business.

Q. Did you have special pawnbrokers that you visited, and other officers have pawnbrokers that they visited? **A.** No; if I am going along I drop into any of the pawnbrokers and do not select any special ones.

Q. And you are on friendly relations with all of them? **A.** Yes, sir.

Q. And all the pawnbrokers have to be on friendly relations with the police? **A.** Not exactly so.

By Chairman Lexow:

Q. Is it not a fact if you recognize the powers conferred on you against one pawnbroker, and do not on the other, you drive him out of business in 24 hours? **A.** No, sir; I don't think I do.

By Mr. Goff:

Q. Don't you know of several occasions where the judges of General Sessions have ordered the pawnbrokers, in open court, to return the property to the owners? **A.** Yes, sir.

Q. Where the judges have done that, and you knowing it to be the law why should you not, as detective officers, do the same thing in the pawnshops where the owner identifies his property, instead of helping the pawnbroker to collect his money; why wouldn't you do that? **A.** I have been placed in that position.

Q. Is it not the fact that you get half of the money that the pawnbroker gets from the owner? **A.** No, sir; it is not.

Q. Of course you would deny it anyhow? **A.** No, sir.

By Chairman Lexow:

Q. Did you get any part of it? **A.** No, sir.

By Mr. Goff:

Q. Is it not notorious in the police force that the police gets half, at least, of the money received from stolen property for its recovery? **A.** No, sir.

Q. You mean to say you never derived a dollar; I know you will answer, "No;" you will answer "No," won't you? **A.** No; I will not answer "No."

Q. Did you ever receive a dollar? **A.** I may have received a small compensation.

Q. From whom? **A.** I could not tell; from either party.

Q. From a pawnbroker? A. I don't know.

By Chairman Lexow:

Q. You said "from either party;" that must be from one or from the other, or from both; now, do you mean to include both the pawnbroker and the owner of the property, or except the one or the other; and, if so, which one do you except? A. I would only accept from the complainant.

By Mr. Goff:

Q. Don't say "only;" give the fact? A. I don't recall where the pawnbroker gave anything.

Q. Will you swear under your oath, which a false oath will involve perjury — will you swear you never received a dollar from a pawnbroker in the city of New York in relation to the transaction of restoration of stolen property? A. I will, sir.

Q. Positively? A. Positively.

Q. And you mean to say no pawnbroker in the city of New York would dare go on the stand and swear otherwise? A. I don't know what they would do.

By Chairman Lexow:

Q. Why did you say a moment ago, in answer to my question, that you did receive a small compensation from one or the other; why did you swear in one case you did not from the pawnbroker? A. He put that question in regard to a transaction.

Q. I put the question to you, Mr. Sergeant, and you said you admitted that you did receive a small compensation from one or the other; now, why did you state positively on oath, inasmuch as you put it in that case and did not remember whether it was from the pawnbroker or the owner of the property; why do you now swear definitely under oath that it was not from the pawnbroker? A. Because I can not recall an instance in which I received anything from a pawnbroker in that way.

Q. How many instances can you recall when you received it from the owner of the property? A. I can not say.

Q. Assuming that you can not now recall the number — A. Being not so many.

Q. But it is the usual custom? A. It is the usual custom.

Q. What percentage of the value of the property would you receive; did you charge anything for it? A. No, sir.

Q. You left it optional with the property owners? A. Yes, sir.

Q. In the course of your experience as sergeant, did you find the property owners fixed any average or amount of compensation? A. No, sir.

Q. In reference to the value of the property? A. No, sir.

Q. What was the largest amount you ever received? A. I think it was — well, I don't know.

Q. About? A. I think \$17.

By Mr. Goff:

Q. From whom? A. Mr. Thomas.

Q. Was that a percentage upon the value of the property? A. I should not judge it was.

Q. Why was it just \$17? A. Because he made out a check to me to go and draw and pay the pawnbrokers for his goods and have them sent to his place, and he says the balance you keep, and the balance between the amount of the expenses and the amount of the check was about \$17.

Q. And what was the next largest amount? A. That I could not recall.

Q. Did it vary from \$1 to \$17? A. More often nothing than anything.

By Senator Bradley:

Q. He asks what you received, not what you might have received? A. I could not recall.

Q. How often would you be able to find and get back property that had been stolen? A. Quite often.

By Chairman Lexow:

Q. Once a week? A. No.

Q. Once a month? A. About that; sometimes we would have four or five cases together, and then two or three months without any.

Q. You say the general average would be once a month every year? A. Yes.

Q. That kept up for 10 years? A. About.

Q. That would be 120 cases? A. Yes, sir.

Q. About how many cases would you receive on the aggregate from property? A. Not 3 per cent.

Q. Why do you fix that figure? A. Because it is so rare that I can not recall them.

Q. Didn't you say awhile ago, in answer to one of my questions, that it was the custom from the owner of the property to pay a small compensation? A. No; I did not say it was the custom; if it was offered gratuitously I would take it.

Q. When you said sometimes they would not pay anything you meant that sometimes to mean 97 per cent.? A. Yes, sir.

By

Senator O'Connor:

Q. What was the entire amount of the check when you received anything? A. I can not tell.

Q. You do not remember how much the check was? A. No; I do not.

Q. Did you tell this man Thomas the amount that was due to the pawnbroker? A. Yes; because he came with me to the different pawnbrokers and saw the goods and the amounts.

Q. So he gave you a check for the amount that was due and \$17 more? A. Yes.

Q. And told you to keep the balance? A. Yes, sir; I think that is about the amount.

By Chairman Lexow:

Q. Do you dispute, sergeant, that you as a detective have a large influence over pawnbrokers with whom you come in contact in this city? A. I do.

Q. You dispute that fact? A. Yes, sir.

Q. You claim you have none? A. No more than what the law will give me.

Q. Do you mean to be understood here that in the 10 years of your experience you have never received any compensation from a pawnbroker at all? A. None that I can recall.

By Senator Bradley:

Q. I would like to ask a few questions; sergeant, to whom did you make a report; to what officer did you make your report; how often did you make your report? A. We report every morning to Inspector McLaughlin.

Q. What do you make this report from? A. We report in case we recover property in making arrests, the disposition of the prisoner and the disposition of the property.

Q. Do you carry this all in your brain? A. Every day we give it in as the case is through; we are compelled to return from court and give disposition of the prisoners and property.

Q. Isn't it a fact when you are on your rounds for the 24 hours you make a note of everything that occurs, and every officer has to do that of every thief he meets? A. No, sir; we do not.

Q. Keep no memorandum at all? A. No, sir.

Q. Keep it all in your head? A. Yes, sir.

Q. Don't you know it is a fact that every detective officer and every ward officer and every policeman has got a book that he makes a note of everything that occurs during his tour and has to produce that book and make a report every morning to his superior officer? A. No, sir.

Q. You don't know? A. No, sir.

Q. You are getting \$2,000 a year, and don't know that? A. No.

By Chairman Lexow:

Q. Do you know the reason why these cards are sent out from the department to pawnbrokers offering to reimburse them the amount that has been advanced upon property that was stolen? A. Because the person is anxious to get the property back in their possession.

Q. Do you mean to say that the result of that is that the property comes more readily back to the owner? A. Yes; the pawnbroker will notify us.

Q. In other words, that, instead of your having to go around from one pawnshop to another, in your capacity as special detective, to look up the property, that the pawnbroker is expected, as the result of that notice, to come to headquarters and present the property?

By Senator Saxton:

Q. That saves you work? A. Yes, sir.

Q. So that they shall pay? A. Not to pay.

By Mr. Goff:

Q. I wish to call your attention to the transaction of Mr. Thompson; you say he gave you a check? A. Thomas.

Q. Now, give us his first name? A. That I could not.

- Q. What? A. I could not give you his first name.
- Q. Give his place of business? A. He is dead now.
- Q. Can't you give us the name of a live man? A. No, sir; I can not.
- Q. What business was he in? A. Theatrical business.
- Q. Where was his office? A. Broadway and Twenty-seventh street.
- Q. Give us the number; that is an indefinite description; what corner? A. It was on the southwest corner.
- Q. What? A. Southwest corner.
- Q. That was Bird & Thomas? A. White & Thomas.
- Q. Thomas is dead? A. Yes.
- Q. There was property stolen from White & Thomas? A. From Thomas.
- Q. What was the property? A. Fur-lined overcoat, seal-skin sacque, and other little articles — clothing.
- Q. How did you come to visit Thomas' office? A. Thomas came to police headquarters and made the complaint.
- Q. After he made the complaint, you went out to look after the property? A. Yes.
- Q. Did the pawnbroker send you word about it? A. No, sir.
- Q. Where did you find it? A. I found some pawned in Sixth avenue, and some in Thirty-first street.
- Q. Where in Sixth avenue, and with whom? A. Near Twenty-first street.
- Q. With whom? A. Pawnbroker Lemon.
- Q. What was the property? A. I can not give the exact number; between Twenty-eighth and Twenty-ninth.
- Q. Did you find any pawned in any other pawnshop? A. Yes; in Stern's, on Thirty-first street.
- Q. That is where you bought this watch? A. No, sir.
- Q. Or where you pawned your other watch? A. Yes, sir.
- Q. After you found the property in these two pawnshops, you then went and told Mr. Thomas that you had discovered the property, didn't you? A. Yes, sir.
- Q. You went to his office? A. Yes.
- Q. What was the amount of the advance? A. I could not recall it.
- Q. Was it \$1,000? A. Oh, no, sir.
- Q. Was it \$500? A. No; a small amount.
- Q. Was it \$300? A. No, sir.
- Q. Was it \$100? A. No, sir.

Q. Was it \$50? A. I could not tell whether the gross amount was \$50.

Q. Whatever the amount was you told Mr. Thomas? A. Yea.

Q. And you told Mr. Thomas, in order to get them without any trouble, he had better send a check? A. No, sir; I did not; Mr. Thomas offered to pay for them after the colored man was convicted.

Q. How long after the time you obtained knowledge of the property that the colored man was convicted? A. Probably three months.

Q. And do you mean to say here that after the trial and conviction of a thief that Mr. Thomas paid you a check for the return of that property? A. He gave me a check; I went with him to — had me cash the check and give it to the pawnbroker for the amount of the case.

By Chairman Lexow:

Q. I thought that was the exception, that in such a case they would not pay back to the pawnbroker? A. They did not; it was optional.

Q. Apparently the only case you remember was a case in which they did pay back the money to the pawnbroker, although the thief had been convicted? A. Yes, sir.

By Mr. Goff:

Q. Were those articles produced in court? A. No, sir.

Q. You were on the trial as a witness? A. The man pleaded guilty.

Q. And after his plea of guilty it was not necessary to bring those down to court, was it? A. No, sir.

Q. Did you ever cause them to be brought down to court before he plead guilty? A. I had stopped them by notifying, by having them identified by Mr. Thomas.

Q. Did you ever cause them to bring them down to court for the purpose of using them as evidence against the thief? A. No, sir.

Q. And you were before the grand jury? A. Yes, sir.

Q. You did not bring them there? A. No, sir.

Q. You had not brought them down under any circumstances at any time? A. No, sir.

Q. And yet after that thief plead guilty you turned around and accepted from the owner of the property a check to pay

the amount of the pawnbroker's advances? A. It was his suggestion, not mine.

Q. You accepted the check; you went to his office and accepted his check? A. I went with him to the bank on the way to the court.

Q. You went to his office first? A. From time to time I had been in his office.

Q. You said after the complaint was made? A. Yes, sir.

Q. Was that the time he gave you the check? A. No; it was months afterward.

Q. It was after the thief plead guilty? A. Yes.

Q. What took you to the office after he plead guilty? A. I did not go to his office; on the way up from the court we came up to the Bank of the Metropolis, and he handed me a check, and asked me to go and pay the pawnbrokers and send the goods to his office.

By Chairman Lexow:

Q. How much was the pawnbroker's charge? A. I could not tell.

Q. About how much? A. I should think in the neighborhood of \$33 or \$35 or \$36, all told.

Q. And you got \$17; so the check was about \$50? A. Yes.

Q. Now, you say the value of the property was \$50? A. No, sir; I do not say that; you asked me the loans.

By Mr. Goff:

Q. How much was the property worth? A. People put different valuations upon it; there is one sealskin sacque there valued in the hundreds.

By Senator Cantor:

Q. What was the nature of the property? A. Clothing, sealskin sacques and sealskin lined overcoat.

By Senator Saxton:

Q. What was the \$17 paid to you for? A. A present.

Q. Was that the custom for detectives? A. They can not prevent —

Q. Is it the custom? A. No.

Q. Is it frequently done? A. It is done occasionally.

Q. Didn't you know the rule in the department that prescribes the duty of every officer who receives a gratuity to turn it into the pension fund? A. Yes, sir.

Q. Do you know that rule? A. Yes, sir.

Q. Did you turn that money into the pension fund? A. No, sir; because he gave it to me for expenses incurred.

Q. Did you turn it into the pension fund? A. No, sir.

Q. For what did he give it to you? A. For expenses incurred going after this fellow, and carfare, and indefinite things.

Q. Are not your expenses paid by the treasurer of the department, in the matter of incidental expenses for capturing thieves? A. In regard to thieves, where we employ people, or out of town.

Q. Here was a thief in town; we mean to say you did not put in a bill for expenses incurred in that case? A. I did not.

Q. You did not have expenses? A. I did.

Q. How much were they? A. Probably \$4 or \$5.

Q. And you preferred, although you knew you had your right, and it was your duty to put in your bill to the treasurer of the police department for your expenses, and to the head of your department of the detective bureau, because it was compulsory, you preferred to get paid by the owner of the property, a private citizen; is that so? A. If he felt so disposed.

By Senator O'Connor:

Q. Did you know it was not necessary for him to pay this money to recover this property? A. He knew that.

Q. Did you tell him that? A. Yes; when he identified the property before the prisoner was arrested.

By Mr. Goff:

Q. What is the name of the colored man who plead guilty there? A. Thomas.

Q. Thomas was the name of the complainant? A. Oh, Dan something.

Q. Has your memory failed you again? A. Yes, sir; in that instance; I can not recall it.

Q. Will you swear you did not put in a bill for expenses and disbursements in the Thomas case? A. Yes, sir.

Q. You clearly remember that? A. Yes, sir.

Q. And you don't remember the name of the defendant? A. No, sir; I don't — yes, I do now; Thomas Oliver — or Daniel Oliver.

Q. How many years ago is that? A. Six or seven years ago.

Q. To whom did you put in your bills for expenses; the officer that receives them from you? A. To the sergeant at the desk.

Q. The sergeant in the detective bureau? A. Yes, sir.

Q. And isn't it the rule of the department that you, after every case that you are on, have to put in your bill for expenses? A. No, sir.

Q. Isn't it a rule of the department? A. No, sir; not that I know of.

Q. You know officers are paid their expenses? A. Yes, sir.

Q. Raise your voice, please; did you ever go on an expedition case? A. Yes, sir.

Q. Who paid your expenses? A. Sometimes the district attorney would pay it; other times the police department.

Q. Don't you know you never went on an expedition case yet where the complainant in the extradition proceedings did not put up the money before for the expense? A. Yes, sir; I knew a number.

Q. Name me one? A. I name the case of Victor Bergland.

Q. Who was the complainant there? A. His wife.

Q. Where was he extradited from? A. Chicago.

Q. Who paid his expenses there? A. I did.

Q. Who paid you? A. The police department.

Q. If the police department paid you the expenses of extraditing this fellow from Chicago, didn't they invariably pay you all expenses incurred in the performance of your duty? A. Yes, sir; when a bill is presented.

Q. And in the Thomas case you did not present it because it was too small? A. Yes, sir.

Q. Don't you know there is a provision in the Penal Code against any officer accepting any gratuity for any services it is his duty to perform? A. I did not accept it for my services.

Q. Don't you know there is a provision in the Penal Code that makes it a crime? A. No, sir.

Q. You say you did not accept it for services? A. No, sir.

Q. What did you accept it for? A. As a present for —

Q. For what; what did you think he paid you for? A. Nothing but to do my duty.

Q. What did you get the money for; for doing your duty, wasn't it? A. No.

Q. Did you do anything outside of your duty? A. No, sir.

Q. What did you get it for? A. Because he felt like giving it to me.

Q. It was a present? A. It was for the incidental expenses.

Q. There were incidental expenses of \$5, and there were \$12 remaining; what did you get the \$12 for? A. As a present.

Q. Now, I ask you again, if you are not aware that that is a crime for an officer? A. No, sir.

Q. And yet you are a \$2,000 a year officer, and 10 years on the detective force? A. Yes.

Q. By the way, you say you do not want to tell what information McNally gave you; are you afraid harm would come to McNally for the information he gave you? A. No, sir.

Q. Where is McNally? A. I can only say from the papers he is in Europe.

Q. Don't you know anything more than the papers? A. No, sir.

Q. When did you last see him? A. It is so long ago I can't remember.

Q. Well, within a year? A. I may have met him within a year.

Q. In his own rooms? A. No, sir.

Q. Didn't you meet him within six months? A. No, sir.

Q. Didn't you meet him shortly before his departure for Europe? A. No, sir.

Q. Didn't you meet him since the Senate committee commenced its investigation? A. No, sir.

Q. You mean to say you did not see him after George Appo testified here? A. No, sir; I did not.

Q. Did you see him after Appo's testimony? A. No, sir.

Q. That is as true as you did not get a watch of him? A. Yes, sir.

Q. Or the lamp up in the house? A. I don't know about the lamp; my wife will answer that.

Q. Don't you know he made a present of that lamp to your wife? A. No, sir.

Q. You can not say where it was bought, or anything about it? A. No, sir.

Q. How much money have you received from Jimmie McNally altogether? A. Never received a dollar from Jimmie McNally.

Q. What! have you been doing business for him in New York?
A. Never done business for him.

Q. You have been the central representative of Jimmie McNally's business? A. No, sir.

Q. You knew he was a green goods man? A. By reputation.

Q. You arrested him once for the offense? A. Yes, sir.

Q. You called him a thief here awhile ago? A. Yes.

Q. You never arrested this green goods man whom you knew to be a green goods man by reputation? A. No, sir.

Q. Or this thief? A. No, sir.

Chairman Lexow.—He arrested him once.

By Mr. Goff:

Q. I mean after he arrested him once, and after he was discharged? A. Yes, sir.

Q. Was that on what was known as "a come back," that you arrested McNally? A. No, sir.

Q. What was it? A. On a general order of Inspector Byrnes.

Q. You gathered in all green goods men? A. Yes, sir.

Q. You knew he was a green goods man? A. By general reputation.

Q. Nothing came of the general order, except the arrest and discharge? A. No, sir.

Q. And all were discharged? A. No, sir.

Q. How many more orders were there? A. Several orders.

Q. Were there any after that? A. Yes.

Q. Do you recollect the order? A. Yes.

Q. Did you arrest McNally on that order? A. No, sir.

Q. Why? A. Because I could not find him.

Q. And yet, when you wanted information in regard to violations of law, you found him? A. Not always.

Q. He changed his residence quite frequently, didn't he?
A. Yes, sir.

Q. Where was his residence when you went to see him in regard to violations of law? A. I think Thirty-eighth street and Seventh avenue.

Q. Was that the only time you were there? A. I may have been there twice.

Q. How many times were you up to Bridgeport? A. Never.

Q. You knew he had a place in Bridgeport, didn't you? A. Only from general talk.

Q. And yet you tell this committee that this man whom you have heard spoken of as the king of green goods men, and whom you have described as a thief, and whom you have visited in his private apartments, has only been arrested once, and that by general orders of the city department of New York?
A. Yes, sir.

Q. And he was discharged? A. Yes, sir.

Q. And didn't you know, as a fact, that he was following his trade of green goods in the city of New York? A. No, sir.

By Chairman Lexow:

Q. How did you come to arrest him? A. Because the inspector sent us out to arrest all persons whom we had any suspicion of using the mail for green goods.

Q. Without naming them? A. Yes, sir; and I went and searched for whoever I could.

Q. And you had knowledge before that general order was issued that he was a green goods man, using the mail for that purpose? A. Only a vague knowledge.

By Mr. Goff:

Q. On that vague knowledge you arrested the man? A. Yes, sir; nothing definite.

Q. You had nothing definite before, if it was vague, had you?

By Chairman Lexow:

Q. You had it definite enough to arrest him in the first place; didn't you retain that impression after he was discharged?
A. Yes, sir.

By Mr. Goff:

Q. Why didn't you arrest him again? A. Because I probably couldn't find him.

Q. You could find him in his rooms when you visited him?
A. Very rarely.

Q. You did, on one occasion, as you testified, didn't you?
A. Yes, sir.

Q. Why didn't you arrest him then? A. Because I had no complaint against him.

Q. You mean to say you could find him very rarely when you wanted him, or when you didn't want him? A. Very rarely.

Q. Did you arrest any person on that general order but McNally? A. I think he was the only person I arrested that time.

Q. Do you know how many were arrested on that general order? A. There was quite a number.

Q. Can you give the names? A. No.

Q. Could you recognize them if you heard the names? A. Yes, sir; some I would and some I would not.

Q. Did you arrest a man of the name of Blodgett? A. No, sir.

Q. Do you know a man of the name of Blodgett? A. No, sir.

Q. Did you arrest a man of the name of Horn? A. No, sir.

Q. Do you know a man of the name of Horn? A. By general appearance; that is all.

Q. A vague knowledge? A. Yes.

Q. Al. Horn? A. I know him from being an actor.

Q. Don't you know he was in the green goods business with McNally? A. No, sir.

Q. You mean to swear you have no knowledge, vague or otherwise, that Al. Horn was engaged in the green goods business with McNally? A. Yes, sir.

Q. You mean to swear that? A. Yes, sir.

Q. Do you know what caused McNally to leave so hurriedly from New York? A. No, sir; I do not.

Q. Had you any knowledge that he was going to leave? A. No, sir.

Q. Did you ever meet "Big Walter," Walter Haines? A. I arrested a man by that name.

Q. You arrested him? A. Yes.

Q. Knew him as a thief? A. He was supposed to be connected with green goods; I arrested him as a suspicious person.

Q. When did you arrest Big Walter Haines as a suspicious person? A. Sometime last winter.

Q. Last May? A. Last winter.

Q. Where did you arrest him? A. I think Eleventh avenue and Twenty-first street.

Q. What became of that arrest? A. He was discharged.

Q. Discharged, as usual; had you any proof against him? A. No, sir.

Q. And the only thing was your suspicion? A. I was going through on a car.

Q. And you mean to say you did not know or ever hear of Big Walter being a "turner" for Jimmie McNally? A. I heard that name of Walter repeatedly.

Q. Walter Haines? A. Never heard of him being a "turner."

Q. Or connected with the green goods business? A. Yes; connected with the green goods business, but in what capacity I did not know.

Q. Had you heard of him in that capacity before you arrested him on suspicion? A. Yes, sir.

Q. Now, officer, we will ask the committee to excuse you for the present, but do not leave the courtroom, please—pardon me, please; didn't you arrest a man of the name of Scribner at the same time with Haines? A. Yes.

Q. Did you discharge him, too? A. Yes, sir.

Q. Did you know he was engaged in the green goods business? A. No, sir.

Q. Knew nothing about it? A. No, sir.

Q. Have you ever been taken for a country guy? A. No, sir.

Q. You have escaped all those 10 years you have been on the detective force, and never been taken in as a guy? A. No, sir.

Q. Will you stand aside for a moment, and do not leave the courtroom? A. Yes, sir.

Mr. J. W. Garfield, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. I am bookkeeper for Thomas Kirkpatrick.

Q. Mr. Kirkpatrick is a jeweller? A. Yes, sir.

Q. And he is in Europe? A. Yes, sir.

Q. We have served two subpoenas up there, Mr. Garfield, for Mr. Kirkpatrick, to produce books of sale; is it the purpose of employes or representatives of Mr. Kirkpatrick to obstruct this committee in any way by not producing those books? A. Not the slightest.

Q. You are in charge of those books? A. Yes, sir; allow me to explain the deliveries of these subpoenas; that is all—

Q. I discharge you now that you say it is not your intention; you are in charge of the books? A. Yes, sir.

Q. Showing the sales of gold watches? A. Yes, sir.

Q. Are those sales recorded in a regular day-book, or in a ledger, transferred from the day-book? **A.** In a day-book and sales-book; those that are sold for cash are put in the cash sales-book.

Q. Do you take the names of purchasers of watches? **A.** Where we know them; we seek to get the names where we can.

Q. If the purchase made is a cash transaction, what do you do? **A.** Well, that is a matter of accident; if we know who the party is, record the name; if they do not, there is no record kept of it.

Q. No record kept? **A.** No, sir; that is, I mean, of the name.

Q. Are there any particular trademarks or numbers of identification that you can tell the watches you have sold? **A.** Yes.

Q. You record the numbers of all the watches? **A.** Yes, sir.

Q. Together with the amount paid for the watches? **A.** Yes, sir.

Q. Now, Mr. Garfield, I ask the committee to instruct you to bring here your book of sales for the month of December and January, December, 1891, and January, 1892? **A.** Yes, sir.

Q. You have been kind enough to give us a statement, but I am not satisfied with the statement. **A.** Well, that—if you will allow me—that moment, the notice was given to us on Saturday, in the absence of everybody, and trying to give all the watches sold in the different months, I thought I had answered all purposes; I wish to disavow any purpose of obstruction.

Q. Now, will you, please, get down that book for us as quickly as possible? **A.** Do you wish it to-day?

Q. Yes, sir.

Chairman Lexow.—At 2 o'clock. We will take a recess, from 1 to 2, and we will have the book at 2 o'clock.

Mr. Goff.—We will excuse you for the present.

Chairman Lexow.—You are cautioned not to speak to any person.

Mr. Goff.—We want the day-book that records the sale in the first instance, and then we want the ledger, in which the sales are transferred; is not that so? **A.** Yes, sir.

Senator Saxton.—During what time?

Mr. Goff.—I have said during the month of December, 1891, and January, 1892, of gold watches; we don't want anything else.

By Mr. Goff:

Q. Do you make a special record of the sale of gold watches?

A. No, sir.

Q. You put those in the general day-book of sales? A. Yes, sir.

Q. That is the book we want, particularly—the book of your sales every day? A. The book of daily sales, and cash sales and day-book; will that be sufficient?

Mr. Goff.—No, you had better bring us the other book, in which the account is transferred—the ledger.

Senator Cantor.—I suppose you want any book in which there is a transaction of sale of a gold watch in December, 1891, and January, 1892.

Mr. Goff.—Yes, sir.

Senator Saxton.—Probably the ledger would not be as full.

Mr. Goff.—We want the day-book first.

Chairman Lexow.—Don't allow anybody to approach you or to say anything about the testimony you shall give here, or about the books. Mr. Goff, we had better take a recess in that case until 2 o'clock.

Mr. Goff.—I suggest, that I think it would be proper at this point here, before recess, to put in evidence, and put upon the records, Rule 142 of the police department, if your honors will permit me to read it now.

(Mr. Jerome read the rule as follows):

“REWARDS AND TESTIMONIALS.

“Rule 142.—The board of police will, in their discretion, permit members of the force, for services rendered by them in the discharge of their duties, which are both ‘meritorious and extraordinary,’ but for such only, to receive under the restrictions provided in this rule, rewards, presents, or testimonials, tendered them for such services.

“When any such reward, present, or testimonial is proffered, it must, whether money or otherwise, first be deposited with the treasurer of the board, to await such final action as the board may take upon it.”

Chairman Lexow.—All witnesses subpoenaed for this morning will return here at 2 o'clock. We will stand adjourned until that time. The witnesses under examination should not dis-

cuss the testimony, or speak with anybody in reference to the matters in regard to which he had been asked or testified — and especially not with reference to his wife.

Adjournment, afternoon session 2 p. m.

AFTERNOON SESSION.

Present — Senators and counsel as before.

Rose Hanley, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff;

Q. Will you speak up in a loud tone so that we can all hear?

A. I will try to.

Q. You are the wife of Detective Charles Hanley? A. Yes, sir.

Q. Who was the man who spoke to you on the street to-day, just before the subpoena was served upon you? A. A gentleman who lives on the top floor of my house.

Q. What is his name? A. Mr. Mourvey.

Q. Give us his full name? A. Well, really I could not, because I don't know; I only know his last name.

Q. What did Mr. Mourvey say to you? A. I said good morning to Mr. Mourvey and he said good morning to me.

Q. Is that all that passed between you? A. I told him Mr. Hanley was before the Lexow committee this morning.

Q. What did he say? A. He didn't say anything; he shook his head.

Q. You have spoken to your husband since you came in the courtroom, have you not? A. No; he just kissed me.

Q. Did he not say something to you? A. He said, "Keep up your courage."

Q. Where did you buy this lamp? A. In Ehrich's store.

Q. Did you pay cash for it, or get it charged? A. I paid cash.

Q. When did you buy it in Ehrich's store? A. A year ago last Christmas.

Q. Was it delivered? A. It was.

Q. How much did you pay for it? A. I have forgotten what I did pay for it.

Q. Do you know the salesman or saleswoman from whom you purchased it? A. I do not.

Q. Your husband told you to say, since you came in the courtroom, that you bought it at Ehrich's? A. He did not.

Q. Can you not wait until I put my question? A. I presume I should have done so, but you asked me where I bought it.

Q. I say your husband told you, since you came in the courtroom — A. He did not.

Q. I have not finished my question; your husband told you, since you have come in the courtroom, to say that you had bought it at one of the large drygoods stores, did he not? A. He did not.

Q. You can not say how much you paid for it? A. I have no recollection.

Q. Did you pay \$50 for it? A. No; I am sure I did not.

Q. Did you pay \$30? A. No, sir.

Q. Did you pay \$20? A. I don't remember; I am sure I did not pay \$20; am quite positive I did not.

Q. Did you pay \$10? A. Yes, sir; I think I did.

Q. Was it between \$10 and \$20? A. I could not tell you; it must be between those figures.

Q. It was not less than \$10, was it? A. No, sir.

Q. And not more than \$20? A. No; I don't think I paid that much.

Q. Will you fix a limit? A. I could not.

Q. Will you say it was not less than \$5? A. No; I would not say that.

Q. Did you pay \$1.99 for it? A. I won't say, for I don't know what I paid.

Senator O'Connor.—What kind of a lamp is it?

Mr. Goff.—I am not an expert in ceramics. I can't say.

Q. Can not you limit the price in some way, so that we can understand the approximate value of this lamp? A. No, sir; I can not.

Q. Was anyone with you when you purchased it? A. I was alone.

Q. Did you get a bill for the lamp? A. No; I didn't get no bill; a bill was not necessary; when you pay cash for anything you do not get a bill with the goods, as a general thing.

Q. Did you get a bill for this lamp; that is what I want to find out? A. No; I did not.

Q. Did you get any memoranda showing the charge of the lamp? A. There is simply a tag there.

Q. Did you get any memoranda or paper of any kind when you paid the money for the lamp? A. No; I did not.

Q. Will you swear to that clearly, now, do you? A. I swear to that.

Q. You have bought other things at Ehrich's, have you not? A. Yes, sir; I do considerable shopping in Ehrich's.

Q. You have not an account there, have you? A. No, sir; I have no account in no drygoods store.

Q. Is it customary, so far as you have found, that you get any written bill of sale or memoranda of sale? A. Why, no; it is necessary to.

Q. That is all. You have answered the question.

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By Chairman Lexow:

Q. When you bought this lamp, did you buy the whole lamp just as it stands there? A. Yes, sir.

Q. The shade and everything? A. Yes, sir.

By Mr. Goff:

Q. Were you at home when the lamp was delivered? A. I was.

Q. This lamp has never been used, has it? A. Oh, yes; we use it quite often.

Q. Do you know a young lady by the name of Miss Lulu Applegate? A. No; I don't know anyone by that name.

Q. Do you know a young lady by the name of Nellie Marau? A. I never heard of her.

Q. Did a young lady come to your house as messenger for your husband about six months ago, of a striking appearance? A. I do not remember.

Q. How many watches has your husband? A. He has got one watch now.

Q. Do you remember that he ever had two watches at a time of his own? A. Never, to my recollection.

Q. Do you know when he got the watch that he has got now? A. He has been wearing it sometime.

Q. About how long? A. I could not say.

Q. Two years? A. I think it is, if not more.

Q. If not more than two years? A. If not more than two years, I am not quite sure.

Q. How long are you living where you now reside? **A.** We are living there two years from the 1st of last June.

Q. Do you not remember that he had this watch long before you went to live where you are now residing? **A.** I do not remember, because my husband had a little watch, and I think the one that he has got now he got very cheap.

Q. But what about the other watch; you say he had a little watch? **A.** Yes; one that he had quite a number of years.

Q. What did he do with that? **A.** I think he disposed of it.

Q. How? **A.** I could not tell you.

Q. Did he dispose of that watch before he got the present watch? **A.** Yes, sir.

Q. It must have been three years ago? **A.** I don't remember.

Q. It was before you went to live in the present apartments, where you are now living, was it not — you are living there two years, the 1st of June? **A.** I do not remember how long he has had the watch that he is wearing, a little opened-faced watch that he wears.

Q. The watch that he had before that? **A.** That was a very common affair.

Q. A silver watch? **A.** No; I don't know that it was silver, it was gold, I guess, but it was a cheap one, not of much account, and he got this little one and he liked it better because it was a much nicer and better watch.

Q. Do you know where he got this watch? **A.** I do not; I am sure I could not tell you.

Q. You do not know of what watchmaker he bought it? **A.** I could not tell you that.

Q. But you are sure that the first watch that you speak of, was disposed of by your husband before he got the watch that he has at the present time? **A.** Yes, sir.

Q. You are very clear about that? **A.** Yes, sir; I am very clear about that; it was a very common affair, if anything, I think he gave it away, but I would not be sure of it.

Q. Do you know to whom he gave it? **A.** I could not say that he gave it away, but I say if anything, I would not be surprised.

Q. It was not worth much? **A.** No; it was not worth much.

Q. And you often heard him say it was not worth anything? **A.** No; I have not heard him say so.

Q. Well, it was an understood thing between you? **A.** No; it was not, I simply knew it.

Q. Knew of your own knowledge? A. Yes, sir.

Q. It was not a good timepiece, that watch? A. I don't know really, I never heard him say.

Q. You never heard him say anything about it at all? A. I don't know whether I have or not.

Q. Was there not some amusing features, some ridiculous things about that watch that you remember? A. I don't remember anything very amusing; I don't know what could possibly be amusing about any watch; it was a common, ordinary affair.

Q. Did he remain long without a watch, from the time that he disposed of that one? A. He has never been without one.

Q. Would you know that first watch if you saw it? A. I would not be positive; I think I would; you see so many of the same kind; I could not say.

Q. Have you seen so many watches in your lifetime? A. As a general thing, most everybody carries one.

Q. Have you seen so many that you could not identify one? A. I do not know.

Q. This watch that you say was of no account, you must have examined it, and familiarized yourself with its appearance? A. I don't know that I have, but I know it was a very cheap watch, that is all that I do know about it.

Q. Then you judge of that by its appearance, do you not? A. Perhaps.

Q. And you judge of it so accurately, that you would be able to recognize it, would you not? A. I think I would; I am not sure; I would not say positively that I would.

Q. Is not that the watch (handing the watch)? A. Really, I could not say.

Q. You could not say? A. No, sir.

Q. You are in a condition of mind as to be very uncertain about things in general, are you not? A. No; I am not, but I could not say in regard to that watch.

Q. That is all; I shall not keep you any longer? A. Thank you.

Hyman Stern, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your business? A. Pawnbroker.

Q. Where is your place of business? A. No. 56 West Thirty-first street.

Q. You have been asked to produce a watch described by Detective Sergeant Hanley; I ask you if that is the watch? A. That is the watch that I brought down.

Q. Will you tell us when that watch was pawned with you? A. October 25, 1893.

Q. That is less than a year ago? A. Yes, sir.

Q. Will you say how much was advanced? A. Sixty dollars. Chairman Lexow.—What is the value of that watch?

By Mr. Goff:

Q. Tell us the value and what kind of a watch it is? A. It looks to me like a Tiffany watch.

By the Chairman:

Q. What, in your judgment, do you think would be its value? A. I do not think that watch would fetch \$75, under the hammer to-day at a sale.

Q. What at retail, when new? A. That would be very difficult for me to answer; it might have cost, probably, \$150.

Q. Would that be your best opinion as to the value of that watch at retail, so far as you know its character? A. Yes, sir.

Q. One hundred and fifty dollars? A. Yes, sir.

By Senator Bradley:

Q. On what grounds do you put that high value on that watch, the works, or the gold that is in the watch; that ought not to cost more than \$75, unless there is something peculiar about it? A. There is nothing peculiar, except the movement, but that is what I think they would charge in a jewelry store for it.

By Mr. Goff:

Q. What is the number of that watch and the maker? A. Sixty-two thousand six hundred and forty-eight is the movement number.

Q. What is the maker, or what movement is it? A. Tiffany & Co.

By Senator Bradley:

Q. A Waltham movement? A. No, sir; a Swiss movement.

By Mr. Goff:

Q. What is the rule observed by pawnbrokers in this city in regard to the amount of value or the ratio of the value on which they advance on articles on pledges? A. That is rather difficult; some may advance 50 per cent., and some 75; I would certainly advance as much as possibly I could, for the simple reason that I would like to make as much interest on the money as I can.

Q. Particularly, if you know the person to whom you advance it? A. Not necessarily so.

Q. Is it your custom to advance \$60 on an article which you say would not bring more than \$75? A. Oh, yes; I have done it very often.

Q. And yet you have remained in business and made money? A. Yes, sir.

Q. You are an extraordinary pawnbroker; that will do? A. I can explain that to you if you want; we count upon redemptions.

Mr. Goff.—That will do. You may take the watch with you.

James W. Garfield, recalled:

By Mr. Goff:

Q. Have you got the books with you now? A. Yes, sir.

Q. Let us look at the daily sales for the month of December? A. There it is, December 1st.

Q. Tell me the first—what is this first column? A. These are the cost marks; this is the price that is charged to the party and increased where there are two or three items; it is extended, and this column is the total; these entries are made as they are sold every day.

Q. According as they are made? A. Yes, sir; and these are the charges.

Q. What is this other book? A. That contains what we sell for cash.

Mr. Goff.—We will excuse this witness for the present.

Alonzo Sloane, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your business? A. I am interested, or have been all summer, on the race track.

By Chairman Lexow:

Q. As a bookmaker? A. I have been connected with it.

By Mr. Goff:

Q. Just imagine that you are calling odds on the race course, and then we can all hear you; how long have you been in that business? A. Off and on for eight or nine years.

Q. Were you ever in the green goods business? A. Am I to answer that?

Chairman Lexow.—What is your answer?

The Witness.—Yes; I have.

By Mr. Goff:

Q. You understand that for any testimony you give here in connection with questions that we may ask you, under the law you can not be prosecuted, do you understand that? A. Yes, sir.

Q. I shall be very brief with you; you were engaged with Jimmy McNally, were you not? A. At one time.

Q. Do you know where McNally is now? A. I do not; I understand he is in Europe.

Q. What position did you occupy with McNally? A. In various positions; I was connected with him in the Museum on Eighth avenue, and I was connected with him in Bridgeport, in the place called "Emerald Music Hall."

Q. I mean in connection with the green goods business; what position did you occupy? A. As a steerer.

Q. You and McNally quarreled, did you not? A. We had no quarrel, I merely got tired and quit; that is all.

Q. How much money did you pay out of your percentage for protection? A. Nothing, sir.

Q. Do you mean to say that the steerer has not to pay anything for protection? A. Not that I know of; no, sir.

Q. Which of the officials has to pay for police protection? A. That I don't know.

By Chairman Lexow:

Q. Do you not know whether any percentage was retained from the amount that you would receive for the purpose of protecting you? A. No, sir; there was never any percentage.

Q. Any money or division or money; was not some money withheld from you that you otherwise would have been entitled to? A. Never.

Q. Not \$1? A. Never \$1.

By Mr. Goff:

Q. How long were you engaged in the green goods business in this city? A. Off and on for the last eight years.

Q. Were you not a writer, too, as well as a steerer? A. At one time; yes, sir.

Q. How much percentage does the writer get? A. As a general thing, 50 per cent.

Q. And out of that has he to pay? A. He has to pay the man that helps to do the business.

Q. You pay the steerer how much out of your 50 per cent.? A. Five per cent.

Q. How much do you pay the "turner?" A. Five dollars.

Q. Five dollars for each case? A. Yes, sir.

Q. What other item comes out of the 50 per cent.? A. That is about all.

Q. Your own expense of addressing envelopes? A. No, sir.

Q. Do you not employ your own men to address the envelopes? A. Yes, sir.

Q. Well, you have to pay for that? A. Yes, sir.

Q. Who gets the other 50 per cent.? A. The man who does the business.

Q. The banker? A. Yes, sir.

Q. So while you were working for McNally, he got a clean 50 per cent.? A. Yes, sir.

Q. And out of your 50 per cent. you paid these various expenses that you have mentioned? A. Yes, sir.

Q. Each writer has got a place or workshop, where he does his writing, has he not? A. I can only speak for myself.

Q. Oh, yes; you can; you can state the general nature of the business; you have been in it? A. I can only speak for myself.

Q. Did you have a separate place for business? A. Yes, sir.

Q. You paid rent for it? A. Yes, sir.

Q. Where did you have your place? A. In various, different places.

Q. Let us have one? A. Really, I can not remember.

Q. But you had them in the city of New York, had you not? A. Not in recent years, I have not.

Q. Well, a century ago? A. Oh, yes; I have.

Q. Now, can you tell us in what part of New York? A. I could not really tell you.

Q. Was it above the Harlem river or below? A. Below the Harlem river.

Q. Was it on the east or west side? A. On the east and west.

Q. Now, what ward or district, can you tell us, that you had business in on the east side? A. I am not very well versed in the wards.

Q. You know where Harlem is? A. Yes, sir.

Q. Had you an office in Harlem? A. No, sir; I never had an office there.

Q. On the west side of Harlem, over toward Kingsbridge road, or up toward Washington Heights? A. No, sir.

Q. Had you an office in Yorkville? A. No, sir.

Q. Had you an office on the east side of Central park? A. At one time; yes, sir; I did.

Q. Whereabouts was that office? A. I think it was Fifty-ninth street.

Q. What was the number? A. I could not tell you, now.

Q. Was it the West Fifty-ninth street? A. I think it was West.

Q. Near what avenue? A. Near Ninth avenue.

Q. Was it on the north side or south side of the street? A. On the north side of the street, I think.

Q. What was the number of the place? A. I could not tell you the number.

Q. Was it between Ninth and Tenth avenue? A. No, sir.

Q. Between Eighth and Ninth? A. Yes, sir.

Q. Near Ninth avenue? A. Yes, sir.

Q. What precinct was that in? A. I really don't know; I believe Captain Killelea was the captain at that time.

Q. Killelea was the captain of the precinct? A. Yes, sir; he was.

Q. Did you know the captain? A. No, sir.

Q. Or his wardman? A. No, sir.

Q. How long did you run your office there? A. I guess a month or two months.

Q. You had all your writing and addressing done there? A. Yes, sir.

Q. And you had men employed there? A. I had one man employed there.

Q. And you received addresses and mailed your letters to the guys out in the country? A. No, sir; not there.

Q. What did you use the office in Fifty-ninth street for, then? A. Only used it to work in.

Q. What was the work, the turning joint? A. No, sir.

Q. Where was the turning joint? A. I don't know; I never had any connection with them.

Q. When you were a steerer, you must have known where the turning joint was? A. I was not a steerer in New York.

Q. You mean to say that you were a writer for the green goods men here and wrote and sent on your fraudulent circulars and you did not know where the trick was performed; do you mean to say that? A. I don't know, sir; it was none of my business.

Q. I am asking you of your own knowledge; do you mean to say you did not know? A. Some of them I knew sometimes, and sometimes I did not know.

Q. Did you not know when a guy was brought here, when the work was done? A. Certainly.

Q. You could not get your money until the trick was performed, could you? A. No, sir.

Q. You must have known where the trick was performed, for you were to get your money? A. Not necessarily so.

Q. Is it not a fact that you knew where the trick was done? A. In some instances; yes.

Q. Where the "come-on" were brought to? A. Yes, sir; in some instances.

Q. Where were the "come-ons" brought to when your office was in Fifty-ninth street? A. In Jersey City.

Q. Do you mean to say your office was in Fifty-ninth street in Captain Killelea's precinct, and you never saw the captain? A. I have seen him, but I didn't know him.

Q. In your place of business? A. Never.

Q. Or one of the wardmen? A. Never.

Q. And you were never molested? A. No, sir; I didn't stay there long.

Q. Were you ever molested in the city of New York? A. Yes, sir.

Q. When were you arrested? A. I never was arrested, but I got away before I got arrested.

Q. Who gave you the tip? A. Nobody.

Q. How did you come to get away? A. That I could not tell you.

Q. Yes, you can, if you were to get arrested and got away before you were arrested, how did you get the tip? A. I didn't get any tip.

Q. Where were you when this occurred? A. Where was it?

Q. Yes; in what place? A. I knew that the officer came to arrest me at the place of address that I have.

Q. You knew he was coming? A. No, sir; I saw him; he was planted, and I did not go near the place.

Q. What place is that? A. That was a place I had on Tenth avenue.

Q. Where on Tenth avenue? A. Away down town, near Forty-second street.

Q. Was the officer in uniform? A. No, sir.

Q. Did you know him personally? A. I did not.

Q. How did you know that he was an officer, if he was not in uniform and you did not know him personally? A. You see a great many people, who are pointed out to you as officers.

Q. Who pointed him out to you? A. That I could not tell you.

Q. Was it a stranger? A. No, sir.

Q. Some one in the green goods business? A. Somebody they tipped for an officer to those connected with it.

Q. Connected with the business? A. Yes, sir.

Q. That is to prevent an arrest from being made? A. Yes, sir.

Q. The officer is tipped off? A. Not the officer.

Q. But you are tipped off? A. No, sir; the officer is tipped off to me, so that I will know him.

Q. That is what I say, there is someone on the watch always ready to tip the officer off? A. Always.

Q. Who was captain of that precinct? A. I think Captain Killelea.

Q. In Tenth avenue, I speak now? A. I don't know who was captain in that precinct.

Q. What had you there, a writing office? A. No, sir.

Q. What was it: a turning joint? A. No, sir.

Q. What was it? A. An address.

Q. Where the telegrams were received or letters? A. Yes, sir.

Q. What other place can you tell us about where you conducted your business here? A. I don't remember; I changed around so often, I never kept any track of the places.

Q. Did you ever send many telegrams? A. Very few.

Q. To whom did you send the telegrams? A. That I could not tell you.

Chairman Lexow.— You mean telegrams sent to guys, Mr. Goff?

Mr. Goff.— Yes.

Q. Is that your handwriting (handing paper)? A. Yes, sir.

Q. You wrote that letter? A. I guess so; it is my handwriting.

Q. To Jimmie McNally? A. I guess so; I don't know who it to, but I know it is my handwriting.

Q. It is addressed to "Jim;" who is Jim? A. I suppose it is McNally.

Q. Here is a letter addressed to George; is that in your handwriting? A. No, sir.

Q. I will read this letter: "Jim. Appo has just handed me your letter, and I must say I thought you had more sense than to write a letter of this kind. I quit you because I could better my condition by doing so. As for the machine, books, etc., I left them in Bridgeport." What machine, books, etc., do you refer to? A. A machine that we had, a copying machine.

Q. For sending out the green goods circulars? A. Yes, sir.

Q. What were the books that you referred to? A. Directories.

Q. Addresses? A. Yes, sir; city directories.

Q. Of the various cities? A. Yes, sir.

Q. "And have written twice to have them forwarded to you. If you have not received them I will go up there in person and bring them to you, and the money I owe you I will pay as soon as I can make it." What money did you owe him? A. I owed him \$300 or \$400.

Q. What for? A. Borrowed money.

Q. "The mail I sent out in Bridgeport, I realized three answers." What were those? A. Telegrams.

Q. You say the mail you sent out in Bridgeport? A. Yes, sir.

Q. What was the mail? A. Circulars, I guess.

Q. And you received three answers? A. Yes, sir.

Q. Those were from victims or expected victims; is that so? A. Yes, sir.

Q. "And have been unable to do anything with them. You can have them if you like." What did you mean by that? A. That I would turn them over to him.

Q. Turn the victims over to him? A. No, the answers.

Q. "You say you have been such a good friend to me. You have been no better than I have been to you. I worked hard for three months in Jersey City, and got 23 answers, and you gave them to Hess to work for me." Who is Hess; is that Sig. Hess?

A. I guess so.

Q. You know who you refer to, don't you? A. Yes; Sig. Hess.

Q. Another policy writer? A. Yes, sir.

Q. "I do not say you robbed me, but your man did." What did you mean by that? A. What do I mean by robbing me?

Q. Yes? A. Possibly, I might have gotten more answers and didn't get them.

Q. Have you got any better explanation than that; I do not understand it; you say to this man, "I do not say you robbed me, but your man did;" in what constituted the robbing; tell us the whole business? A. The robbing is holding out answers; this man possibly had held out some answers of mine; at least, I thought so.

Q. "And I hold you responsible as I trusted you, not him." Who was "him?" A. The man Hess, I guess.

Q. "As far as your friendship goes, you discharged me last summer for no cause whatever, when I asked for what was due me, and left me in a strange town without a cent in the world. You also refused me \$10, last summer, when I was sadly in need. I do not blame you for that until you commenced to roast me, by saying you did not propose to support a lot of bums." Were you referred to there as a bum? A. I suppose so.

Q. "Let me know what you claim I owe you and as soon as I can get money enough, I will pay you, but please bear in mind those 23 telegrams." What were the 23 telegrams? A. What you read about there before.

Q. The answers? A. The answers.

Q. Will you tell the committee how long you were engaged in the city of New York, in the green goods business, working for McNally or any other person? A. Well, I suppose, altogether about three years, in an interval of nine years; in nine years time I was possibly working three years.

Q. And during those three years that you were in New York, you were never arrested in connection with the green goods business? A. No, sir.

Q. Did you not understand that in this business you were to be protected from arrest? A. I did not.

Q. You mean to say that you went into this business, which you knew to be criminal, and continued in it for three years, and did not have any understanding or knowledge that you were to be protected? A. No, sir.

By Chairman Lexow:

Q. Is not that the reason you worked for McNally, because you knew that he had influence whereby he could protect you? A. No, sir; I worked for McNally because I thought I could make better arrangements with him.

Q. You said the custom was to pay the writer 50 per cent.; that is true with all green goods men, is it not? A. Not necessarily.

Q. Then why do you say you could make better arrangements with McNally? A. I could borrow money at any time and things of that kind, when I would be broke from blowing in money; lots of people would not lend you money.

By Mr. Goff:

Q. You have been at Snake Hill penitentiary for some time, have you not? A. One year.

Q. Was that for the green goods business? A. Yes, sir.

Q. So you did not find it as smooth sailing in Jersey as you did in New York? A. No, sir.

Q. Why did not you take all the profits, instead of paying 50 per cent. to McNally; what did he do for you, that you should pay him 50 per cent.? A. He had capital and I did not.

Q. What capital is required? A. It requires \$3,000 or \$4,000.

Q. Did you not work at a place at Eighth avenue and One Hundred and Seventeenth street—do you remember working there and having a place? A. At that time I was away.

Q. Did you ever have a place there? A. In what street?

Q. Eighth avenue and One Hundred and Seventeenth street? A. No, sir.

By Chairman Lexow:

Q. What did you mean by saying at that time that you were away, when someone else had a place there? A. When I was in prison.

By Mr. Goff:

Q. Do you remember having a place in Sixty-third street, near Amsterdam avenue? A. Yes, sir; I live there.

Q. And you made use of it, too, did you not? A. No, sir.

Q. Do you remember having a place corner of Barclay and Greenwich street? A. Yes, sir.

Q. Do you know the captain of the precinct at that time? A. I could not tell you.

Q. You had a place in West street, did you not? A. Yes, sir.

Q. Who was the captain at the precinct then? A. I don't know.

Q. Do you know where McNally is now? A. I understand he is in Europe, what part I don't know.

Q. Do you know anything about the green goods business now in operation in New York? A. No, sir; I do not.

Mr. Goff.— That is all.

By Chairman Lexow:

Q. Do you know where the bank roll was kept? A. What bank roll?

Q. The bank-roll used in your business? A. No, sir; I do not; I don't know where he kept it.

Q. You do not know where it was brought from in the daytime, when the victim came into the turning joint? A. No, sir; I do not.

Q. Or where it was sent to at night? A. I never asked any questions at that time.

Q. Did anybody ever tell you? A. No, sir.

By Senator Bradley:

Q. Where did you get paid? A. At various places—bar-rooms, hotels, and anywhere, restaurants.

Q. Mention one place where you got paid; did you ever get paid on Chatham street? A. No, sir.

Q. Did you ever get your pay in Judge Divver's place? A. No, sir.

Q. Never saw the money taken out of his safe? A. Never; I know him by reputation; I would not know him if I saw him.

By Chairman Lexow:

Q. Do you know his place? A. I know he has a place on Chatham square.

Q. Have you been in it? A. Yes, sir.

Q. Was that a place usually used as a resort of those in your business? A. That I could not tell you.

Q. Did you see men in your business there? A. Not at the time when I was there.

Q. Did you meet McNally there? A. No, sir.

Q. Never saw McNally there? A. No, sir.

Q. How did you come to go there? A. Went there to get a drink.

Q. Was not that the headquarters of men in your business? A. That I could not tell you.

Q. You hesitated; is not that the fact? A. No, sir; I could not tell you.

Q. When you went to see a green goods man, did you not go there to that saloon? A. No, sir.

Q. Or, when you went to that saloon, were you not pretty certain to meet green goods men there? A. I never was in Divver's place but once in my life; I went in and got a glass of beer or whisky and walked out.

Q. Were you with anybody? A. All alone.

Q. But you say you had repeatedly seen men in your business in that saloon; you must have been there more than once? A. I beg your pardon; I did not say that.

Q. How many green goods men did you see there when you went in? A. I don't remember; I have not been in there for six or seven years.

Q. Are you prepared to swear here on your oath, and you understand that your oath here is just as binding as in a court of law, that you have only been there once? A. I will swear to that; yes, sir.

Q. Can you state, approximately, how many men engaged in the same business with yourself that you saw there? A. That I don't remember.

Q. Five or six? A. I don't remember of seeing anybody; I merely went in there to get a drink; I got my drink and walked out.

Q. Is there any resort here in the city that is the usual and customary resort of men doing the business that you did? A. That I don't know; I have been out of the business for a good while.

Q. While you were in the business, then? A. They were scattered all over.

Q. Did they meet together; did they have any regular place of meeting? A. No, sir.

Q. When you wanted to meet a man in your business, where did you go to find them? A. I had to go and look for him.

Q. Where? A. Anywheres where I thought he would be; in a saloon or a hotel, corner of the street, or anywhere like that.

Q. Were not the men in the business known to the police? A. Well, I don't think they knew them all; I don't think there were many of the police who knew me.

Q. You knew some of the police, did you not? A. Certainly; a man in my business would know some; I would be walking up the street and meet a policeman and we would say there is a cop and they would tip the copper off to me.

Q. I mean did you personally know members of the police force? A. I did not personally know two members of the police force.

Q. You did not then? A. I did not then; I did not know two members of the police force to say, "How do you do," or ever had any connection with them or spoke to them in any way, shape or form.

Senator Bradley.— You are too innocent a man for that business.

Q. Did not McNally ever say that he would protect you against the police? A. Never; if he had, I would not have believed him; I don't take much stock in McNally.

Q. But you were pretty well protected, were you not? A. I don't know; I had to skip around a good deal.

Q. Do you not think it was rather strange that you were not arrested or not interfered with? A. No, sir; I was very careful.

Q. You could not do the same thing in other cities of this country, could you? A. I have done it.

Q. Where? A. Chicago.

Q. Could you have done it there at the time you did it here? I guess I could; I did it in Philadelphia.

James W. Garfield, recalled:

By Mr. Goff:

Q. I hand you a book called day book, marked T. K. and ask you to explain to the committee what that book is, what entries are made in it, and for what it is used. A. It has the entries of all items that are sold and charged; all goods sold and charged, not paid for at the time of the purchase.

Q. All goods charged and not paid for at the time of purchase? A. Yes, sir.

Q. What book have you got that contains a record of sales that have been made and paid for at the time of purchase?

A. That is the book that Mr. Jerome has.

Q. Cash sales? A. Yes, sir.

Q. Then the book for cash sales is the book I hand you now, marked cash sales T. K.? A. Yes, sir.

Q. I notice in this book that there is not a description of the article sold when there is cash paid for; why is not the description of the article sold entered? A. There is always a description. the name of the article,— all articles are numbered serially, that is, for instance, bracelets, all have consecutive numbers, and gold watches, and so on, and that description is given.

Q. I turn to page 191, and I find under date of January 11, 1892, for instance, as an illustration, this entry: "Inspector Williams, \$165;" I presume it is; what does that mean? A. It means that he paid \$165.

Q. What for? A. Things that he had purchased previous to that.

Q. How do you know it was for things that he had purchased previously, if this book is an entry of a day of cash sales made on that day, how is it that you say there is an entry here of \$165 paid by Inspector Williams for things purchased before that day? A. I should modify that answer by saying that all the cash sales are entered in that book and all the cash received for any purpose.

Q. All cash received as well as cash sales? A. Yes, sir; for instance, if you paid \$50; we would credit it to you.

Q. I want to understand how would your books or what book would show the items; for instance, which Inspector Williams bought? A. I read the item, "January 2, \$165;" that appears to be the same amount.

Q. Where? A. It is charged here January 2d.

Q. Is that the only way you have of determining it? A. That is the original entry made from the ticket.

By Senator O'Connor:

Q. Do not all jewelers selling watches of any consequence whether it is for cash or on credit make a memoranda of the number of the watch and the party to whom it is sold? Is not that so? A. We always make a memorandum of the number of the watch, and who it is sold to if we know them.

Q. That is the book we want here? A. That is the book in regard to this entry, No. 3,413; this number 3,413, for instance, refers to gold watches; it is in the series of numbers of gold watches and that number 3,413 is undoubtedly marked for January 2d, for \$150; Inspector Williams is the name.

By Mr. Goff:

Q. Have you not got a register of watches that you have in your store, for selling costly watches, stop timewatches, etc.; haven't you a special register of those watches? A. All the gold watches are in together with a series of numbers, and this 3,413 is one of that series; they run now from 2,500 up to possibly 5,000 in number; that number is scratched with a sharp instrument on the case of the watch, so if the watch is ever brought to us, we can recognize the watch and trace it up by its owner; what time it was sold and who had it.

William Applegate, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. How old are you? A. Twenty-two.

Q. Let me ask you in advance here, are you any relation to the young lady named Lulu Applegate, whose name has been mentioned here? A. Yes, sir.

Q. What relation are you to her? A. Brother.

Q. Do you know where that young lady is now? A. In Europe; in Paris.

Q. With whom, if you know? A. Jimmie McNally.

Q. Is that the man known as the king of the green goods men? A. Yes, sir.

Q. Where were you born? A. In New York.

Q. Go to school here? A. Yes, sir.

Q. Did you go to any other institution than the public school?
A. The schoolship St. Mary's.

Q. Did you graduate from there? A. Yes, sir.

Q. And you have served as a sailor in other places?
Yes, sir; on board the Ward line steamers.

Q. After you left St. Mary's schoolship, did you go into business? A. Yes, sir.

Q. What business did you go into? A. Real estate.

Q. With whom? A. Wescott & Cranch.

Q. Where is their office? A. Twenty-two and 24 St. avenue, between One Hundred and Twenty-fourth and Hundred and Twenty-fifth streets.

Q. How long did you remain with Wescott & Cranch?
About nine months.

Q. After you left them, where did you go? A. Steamship.

Q. That is the Ward line that you have spoken of? A. Yes, sir.

Q. Did you say that you graduated from the St. Mary's schoolship? A. Yes, sir.

Q. After you left the steamship business, what did you go into? A. I decline to answer.

Q. Is the business of such a nature that you are ashamed to answer it? A. Well, yes.

Q. You know, William, you can not decline to answer this committee; this committee has power to have you punished for contempt and you are bound to answer all questions. I wish, Mr. Chairman, that you would state to the witness the protection that the law affords.

Chairman Lexow.—The law protects you, so far as any money which you may give, incriminating yourself—it can be used against you to secure your indictment or conviction. You are not, therefore, relieved from giving any testimony which might pertain to this inquiry, and if counsel insists upon it, the committee will rule that you must testify.

Q. Now, William, no matter how unpleasant the duty may be, it is incumbent upon us to insist upon your answering the question after the chairman's warning to you? A. Well, yes, sir, into the green goods business.

Q. How old were you when you went into the green goods business? A. About 19 when I started.

Q. Tell the committee how you first came to get into the green goods business? A. Well, I used to frequent a saloon at One Hundred and Sixteenth street, called Hawkins'.

Q. Keep your voice up; these gentlemen want to hear what you say; it was a saloon, kept by a man named Hawkins, at One Hundred and Sixteenth street and Eighth avenue? A. Yes, sir.

Q. You used to frequent there? A. Yes, sir.

Q. What acquaintance did you meet there? A. I made the acquaintance of Jimmy McNally, his brother, Walter, and several other green goods men.

Q. Did you know either Jimmy McNally or his brother, Walter, before you met them in Hawkins' saloon? A. I knew Walter.

Q. How did you know him? A. By going to the Thirtieth street school with him.

Q. A public school in this city? A. Yes, sir.

Q. And that is how your acquaintance was formed with Jimmy McNally? A. Yes, sir.

Q. In what capacity were you engaged in the green goods business? A. When I first started in, I started to fold circulars and put stamps on envelopes.

Q. Who employed you? A. A party by the name of Harry Russel.

Q. What was he? A. A green goods man; a writer.

Q. You say you were employed to fold circulars? A. Yes, sir.

Q. Where was the folding done? A. The folding was done on the corner of Elizabeth and Broome streets.

Q. In that business of folding circulars did it have anything to do with McNally? A. Well, I was folding for a writer that was with McNally; the writer paid me.

Q. In other words, that was part of McNally's system, was it? A. Yes, sir.

Q. But you had no direct connection with McNally at that time? A. No, sir.

Q. Where was the office or store where the folding was done?

A. At Elizabeth and Broome streets.

Q. How long were you occupied there? A. About a month folding circulars.

Q. How much were you paid? A. Eight dollars a week.

Q. These circulars; what were they; tell the substance of them? A. They were green goods circulars sent on to victims to bring them on here, explaining to them that they can get so much money advanced from \$300 up to \$2,000.

By the Chairman:

Q. These newspaper slips that were sent around; was that one of the slips that you forwarded? A. We folded those in the circulars; they were supposed to be cut out of the newspapers here; that was to draw the victim on.

By Mr. Goff:

Q. Do you know how those newspaper slips were prepared? A. Had been printed in a printing office.

Q. Not in a newspaper office, did you? A. No, sir.

Q. In a job printing office? A. Yes, sir.

Q. Can you tell us the name of any job printing office in New York that were printing those slips? A. At that time Eugene Marvin was printing them.

Q. What was his address? A. I don't know the number; it was between Thirty-fourth and Thirty-fifth streets on Eighth avenue.

Q. Do you know of any other job printing office in New York who furnished those slips? A. Yes, sir; a sort of a German name; I can't think of it.

Q. Is that it (handing card to witness)? A. That is the name,

Q. Give the name and address? A. Reinschreiber, book and job printing, 350 Canal street.

Q. Is that Reinschreiber's card? A. Yes, sir.

Q. Did you ever see it before? A. I have seen some like it.

Q. Did you see some cards like that in connection with McNally's business? A. Yes, sir.

Q. I hand you some papers here pinned to this card and ask you if you recognize those papers as coming from the effects and possession of McNally? A. Yes, sir; I do.

Q. Describe what those papers are? A. They are bills for circulars.

By Senator Saxton:

Q. Newspaper clippings; telegraph blanks, bills against whom? A. To McNally.

Mr. Goff.—Against McNally by the printer.

Senator Saxton.—In favor of this Reinschreiber?

Mr. Goff.—Yes. Is Mr. Reinschreiber in court?

(No response was made to the inquiry.)

Q. I find here, "Received from J. W. M., \$50, on account; signed, J. W. R.;" what does that mean? A. Fifty dollars on account; I suppose it is \$50 that he borrowed when he got the order; he might have got that to pay his men with.

Q. From McNally? A. Yes, sir.

Q. I find a statement of December 7, 1893, which says, "To balance, \$285; 100,000 sets, \$600;" what are the "sets?" A. They must be circulars or the sets for the circulars.

Q. The next item is, "100,000 sets ordered to-day, \$600;" the same thing? A. Yes, sir.

Q. "One hundred thousand names, \$100;" what are 100,000 names? A. One hundred thousand names?

Q. Yes; 100,000 names, \$100? A. I suppose the name was a clipping.

By the Chairman:

Q. A set means, to fold a set of papers that is sent out to one individual, is that it? A. Yes, sir.

Q. There are two or three papers in one envelope? A. Yes, sir.

By Mr. Goff:

Q. That is making a total for that day of \$1,585? A. Yes, sir.

Q. I hand you a slip and ask you if that is one of the slips called names? A. Yes, sir.

Q. And this is what you called a set, together with the newspaper clipping? A. That is the circular.

By Senator Saxton:

Q. That with the newspaper clipping and the name makes a set? A. Yes, sir.

Chairman Lexow.—The name is in addition, is it not?

By Mr. Goff:

Q. A set consists of what? A. This goes in the circular to tell the victim where to deliver his telegram to; that name goes in, too.

By Chairman Lexow:

Q. When the set is charged there, it is charged separately from the name; that is the name you have in your hand? A. Yes, sir.

Q. And the set that you speak of, is that circular and the newspaper clipping, is it not? A. Yes, sir.

By Mr. Goff:

Q. I find the total of this charge, \$1,585, received by cash, \$450, leaving a balance of \$1,135; an additional charge for 20,000 names, \$30, leaving a total balance of \$1,165 for printing; I read the following note:

“ March 1, 1894.

“ Mr. McNally:

“ Dear Sir.—As you are aware that I went to see you six times — three times on your own invitation — and could only see you once, and that for a few minutes; now, I would like to know what is the cause of all the delay and annoyance to me. You told me that when I have business with you that there would be no delay and no trouble to see you. Kindly answer this without delay, as I am all out of patience, and oblige,

“ Yours,

“ J. M. REINSCHREIBER.”

Q. Let us get back to your folding circulars at the corner of Elizabeth and Broome streets; at that time do you know how many writers were employed by McNally? A. At that time I think there were about eight writers.

Q. In various parts of the city? A. Yes, sir.

Q. Where were the headquarters of the McNally combination? A. At that time they met down stairs in the saloon under the place where we done the folding and again at Alderman Farley's on the Bowery.

Q. It is just to say ex-Alderman Farley? A. Yes, sir.

Q. That was one of the recognized headquarters? A. Yes, sir.

Q. Had you any knowledge at that time of the system of paying the men, or of the division of the profits to the writers? A. Yes, sir; each writer got 50 per cent.

Q. Fifty per cent. of what? A. Of the deal.

Q. We do not understand all these technical terms; you will have to explain it? A. If the writer brought a victim on and he was swindled out of \$500. the writer got \$250 of that \$500.

Q. Who got the other \$250? A. Jimmy McNally.

Q. What had the writer to pay out of the \$250 that he retained? A. Five per cent. to the steerer, and \$15 for the joint; what I mean by the joint is the "turner;" \$5 to the turner; there were three men in the joint and each one gets \$5, making \$15.

Mr. Goff.—I see that Mr. Reinschreiber is now present and I will withdraw this witness for the present.

Joseph M. Reinschreiber, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your business? A. Printing and house-furnishing goods.

Q. Are you employed as a printer, or in business on your own account? A. In business on my own account.

Q. Where is your place of business? A. Three hundred and fifty Canal street.

Q. What is the general line of business that you deal in, as a printer? A. Commercial work, business work of that kind.

Q. As we generally understand, a job printer? A. Yes, sir.

Q. You do business for mercantile houses? A. Yes, sir.

Q. Print circulars and such things? A. Yes, sir.

Q. And showboards? A. Yes, sir.

Q. And letter-heads? A. Yes, sir.

Q. And billheads? A. Yes, sir.

Q. Do you do any other kind of printing than what I have asked you about? A. I do anything in the line of mercantile work.

Q. But nothing outside of mercantile work? A. No, sir.

Q. You do not do literary work? A. No, sir.

Q. You do not print books? A. No, sir.

Q. Nor do you print circulars for religious gatherings? A. No, sir; not that I know of; I might have printed some.

Q. But, as a general thing, you are not favored by that class of customers? A. No, sir.

By Chairman Lexow:

Q. Or any kind of circulars? A. No, sir.

Q. No circulars at all? A. Oh, yes; I print circulars; whatever anybody brings in; I don't know whether they are religious or anything else.

By Mr. Goff:

Q. You do not inquire, do you? A. No, sir.

Q. In fact, you take any class of business that is brought to you? A. That all depends; I don't know what kind of work —

Q. I mean, supposing there was printed which, on its face, was immoral, would you take such work as that? A. I do not suppose I would.

Q. Suppose there was a circular submitted to you for printing, and if the circular, on its face, contained immodest language, would you accept such work as that? A. No, sir.

Q. Supposing that there was a circular submitted to you for printing, for the purpose of committing a fraud upon anyone, would you print such a circular? A. If I had known, I would not.

Q. Suppose it was a circular, on its face, that was submitted to you, that was a fraud on its face, would you print such a circular? A. If I had known it was a fraud I would not have printed it.

Q. When I say fraud on its face, I mean a fraud that you could read, a man like you, of your intelligence? A. I never went to school in my life.

Q. You are a self-educated man; you are a brainy man by your appearance? A. I may be a brainy man, but not a scholar.

Q. You have learned your trade of printing, have you not? A. No, sir.

Q. You are simply a jobber? A. Yes, sir.

Q. You know how to write? A. Yes, sir; to sign my name.

Q. You know how to keep your accounts? A. I don't have to keep any account in my business.

Q. You have succeeded ordinarily well in business? A. Yes, sir.

Q. And you can read printed matter, can you not? A. I can if it is written plainly.

Q. Printed matter I say? A. Yes, sir.

Q. And you can read writing, if it is written plainly? A. Yes, sir.

Q. And you attend to the conduct of matters in your office, do you not? A. I do as a general rule.

Q. You act as a sort of general manager? A. Yes, sir.

By the Chairman:

Q. You receive the work and give it out? A. Yes, sir.

Q. You can read the daily newspaper? A. Yes, sir.

Q. And all printed matter like that? A. Yes, sir.

Q. And whatever work comes into your office, you make your price for it, and divide it up among your compositors? A. Yes, sir; I only have one.

By Mr. Goff:

Q. If there was a gang of thieves, who perpetrated a robbery on a well-known house in New York, and stole from that house a large amount of jewelry and they sent circulars around to the jewelers, offering to sell this jewelry that they have stolen from this house — do you know anything about that? A. No, sir.

Q. Was such a circular ever offered to you? A. Not to my knowledge.

Q. And if such a circular had been offered to you, you would not have printed it, would you? A. No, sir.

Q. Because you would not know that would be being connected with a gang of thieves? A. It would all depend; I don't know what the circular was.

Q. If the circular stated on its face that a lot of jewelry had been stolen from a certain house in New York and that it was for sale, you would not print such a circular as that, would you? A. No, sir.

Q. Because you would know that it would be dishonest? A. Yes, sir.

Q. How many years have you been in business? A. About nine years.

Q. Had you ever had anything to do with a gang of confidence men in this city? A. Not to my knowledge.

Q. Did you ever do any printing for them? A. Not that I know of.

Q. You know what I mean by confidence men, do you not? A. Well, I know what you mean, but I don't know exactly the meaning of confidence men.

Q. You know the meaning of bunco steerer? A. You mean thieves?

Q. Yes, thieves; did you ever print any circulars for such men as I have described? A. Not that I know of.

Q. Or for men called bunco steerers? A. Not to my knowledge.

Q. Or green goods men? A. Not to my knowledge, never.

Q. Have you ever read in the papers about the thing called green goods? A. Yes, sir.

Q. You have read of it? A. Yes, sir.

Q. You know how that is operated here, bringing innocent men on to New York and defrauding them out of their money, from what you have read in the papers? A. Yes, sir.

Q. And you know that they frequently got those men here and perpetrated great frauds upon them, taking their money? A. Yes, sir.

Q. You have heard of that? A. Yes, sir.

Q. You have frequently heard of the green goods swindle, have you not? A. Yes; I have.

Q. How many years have you been in New York? A. I have been here 21 years.

Q. I understand you to say that you never had any connection, as a respectable business man, with those green goods swindlers? A. No, sir.

By Chairman Lexow:

Q. Did you ever see any of their circulars? A. I have seen some.

By Mr. Goff:

Q. Where did you see them? A. I can not exactly recollect where I saw them, but I have seen them.

Q. Did you ever see any of them mailed to any place? A. Not that I know of.

Q. Did you ever receive any? A. No, sir.

Q. Did you ever print any? A. No, sir.

Q. Did you ever see any printed in your establishment? A. No, sir.

Q. Did you ever know a green goods man? A. Not personally.

Q. Did you ever know of one by name or reputation? A. I have heard of them.

Q. Can you call to memory the name of a man that you have heard? A. I have often read of them in the paper, of McNally.

Q. Can you call to mind the name of one that you have heard read about? A. I said McNally.

Q. You understood that from the newspapers? A. Yes, sir.

Q. Do you remember his first name? A. No, sir.

Q. McNally; McNally; what was he? A. He was supposed to be a green goods man.

Q. Was arrested when you read about him in the newspapers?

A. I don't know whether he was or not.

Q. Do you remember in what connection you read about him?

A. I read of him in the green goods — read it in the paper — in the green goods game.

Q. Did you ever read any other name than that of McNally?

A. I don't remember of any other name.

Q. That is the only name you can recollect? A. Yes, sir.

Q. Did you ever see McNally at all? A. No, sir; never personally.

Q. If you did not see him at all, you could not have seen him personally, could you? A. No, sir.

Q. Did you ever have any business transactions with McNally?

A. No, sir.

Q. Did you ever have any business transactions with any one representing McNally? A. I don't know.

Q. So far as you know? A. No, sir.

Q. Did you ever do any printing for McNally? A. No, sir.

Q. I mean any printing work; did you ever print any green goods circulars for McNally? A. No, sir.

Q. Did you ever have them printed in your office for McNally?

A. No, sir.

Q. Did you ever print McNally any names or addresses for the purpose of sending green goods circulars to parties? A. No, sir.

Q. You are very positive about that, are you? A. Yes, sir.

By the Chairman:

Q. Did you ever print the names of persons? A. No, sir; I never did.

By Mr. Goff:

Q. Did you ever render a bill to McNally for any work that you performed for him? A. No, sir; not to McNally; you are talking about McNally?

Q. Yes? A. Well, I said no.

By Chairman Lexow:

Q. Do you know what "sets" are? A. I don't know what you mean.

Q. Do you know what they are? A. I don't know what you mean.

Q. You don't know what "sets" are?

By Mr. Goff:

Q. I hand you a circular; did you ever see anything like that before? A. I might have seen it; I don't know.

Q. Can you not be more positive as to whether you might or might not have seen it? A. I have seen some circulars.

Q. Did you ever print any circulars like that? A. No, sir.

Q. We have it right up and down that you never printed green goods circulars or what are called "sets" for McNally, the green goods man? A. No, sir; not that I know of.

Q. If you had done so, you would know about it, would you not? A. I suppose I would.

Q. And you have rendered no bill to McNally for such printing? A. No, sir.

Q. And you never received any money from McNally, did you? A. Well; no, sir.

Q. And not having received any money, you never signed any receipt? A. No, sir.

Q. Is that your card? (Handing card to witness.) A. Yes, sir; it is.

Q. I show you this signature, these initials, do you know whose those are—take it in your hand—do not be afraid of looking at it? A. That is mine.

Q. That is your signature? A. Yes, sir.

Q. What do those initials stand for "J. M. R.?" A. My name.

Q. Since you have identified that, I will ask you to explain that memoranda—just look at it? A. What do you mean?

Q. Read it out to us and explain to us what it is; what is the date of that memorandum? A. "December 1, 1893, received from J. W. M."

Q. Who is "J. W. M.?" A. I could not tell you.

Q. You could not tell? A. No, sir.

Q. It is in your handwriting? A. Yes, sir.

Q. And you could not tell? A. No, sir.

Q. What does it say further? A. "Fifty dollars on account."
 Q. Do you remember what transaction that had reference to?
 A. I can not say; it is December 1st; that is quite a while ago to remember.

Q. You keep books, do you not? A. No, sir.

Q. You do not keep books of account? A. No, sir.

Q. You don't know, you say, what "J. W. M." stands for?
 A. No, sir; I have a faint recollection.

Q. Give us the faint recollection? A. I think I gave that to a man named Walters.

Q. Walter? A. I think so; I don't know.

Q. J. W. Walter? A. I think so; I don't remember.

Q. But this "M.;" go on, and take a drink of water; this is M., J. W. M.? A. I don't know his initials; I think his name was Walter.

Q. You gave this to Walter, you say? A. I think so; I think that is what it is.

Q. What was Walter; who is Walter? A. I don't know.

Q. Walter who? A. I don't know his name; the only thing I know was Walter, that is the name he told me.

Q. Where does he live? A. I don't know.

Q. Where did he do business? A. I could not tell you.

Q. And you received \$50 from a man on account, and you can not tell anything about it? A. I don't know his name; the only thing I know is "Walter," and he told me to write it the way I wrote it there.

Q. What did he tell you to write? A. He told me to write, "Received from J. W. M., \$50 on account."

Q. What was the \$50 for? A. For some work that I done for Walter.

Q. What was the work? A. I don't recollect just now.

Q. What was it; show cards? A. I could not tell you.

Q. But when it says on account, it means some other transaction? A. I don't remember exactly what it was, it was \$50 on account of something.

Q. You have told us the truth about this, have you, about this memorandum? A. So far as I can remember.

Q. You are a business man, a reputable business man, and this is only December 1, 1893, less than a year ago, can not you tell us about that? A. I could not positively say; I think it was what I said; I think what I said is the truth; I think it is.

Q. Have you got any doubts about it? A. I could not say.

Q. Do you not know that it is the truth? A. I suppose it is the truth.

Q. Don't you believe it is the truth; not suppose? A. I could not say.

Q. Is it the truth or is it not? A. I could not say; so far as my recollection goes I think it is the best I can remember.

Q. You are not trying to dodge the question, are you? No, sir.

Q. Then can you not answer the question, do you believe it is the truth? A. So far as I can remember, it is; it is a good while ago.

Q. It is not 11 months ago—not nine months ago? A. I can remember; that is as far as I can remember.

Q. But you do remember that it was a man by the name Walter? A. Walter is the name.

Q. Did you ever have any other conversation with Walter except this one? A. I have had several more.

Q. And yet you can not tell his name? A. The only name that I have ever known was Walter; that is the name he told me his name was.

By Senator Saxton:

Q. Did he say that was his first name or his last name? A. He did not tell me.

By Chairman Lexow:

Q. Why did you write the memorandum there, that way? A. That is the way he told me to write it.

Q. Did you ask him why you should write a wrong name there? A. He simply told me—I asked him how to make it out and he told me to write that.

By Mr. Goff:

Q. Is that the last transaction that you had with Walter December 1, 1893? A. I can not remember.

Q. I hand you another slip and ask you if that is your signature in which you receipt for \$200? A. Yes, sir.

Q. To whom was that given? A. To Walter.

Q. What is the date? A. December 7, 1893.

Q. You never knew who Walter was? A. No, sir.

Q. I understood you to say that you never had any business transaction or performed any work for this man McNally? **A.** No, sir; not that I know of.

Q. You never had any business transactions with any man by the name of McNally? **A.** No, sir.

Q. Or correspondence with any man by the name of McNally? **A.** I don't think I did.

By Chairman Lexow:

Q. Don't you know whether you did or not? **A.** I don't think I did.

Q. Will you swear you did not? **A.** I could not — I could not swear either way.

Q. Don't you know whether you did or not? **A.** I have heard of the man.

By Mr. Goff:

Q. Now, did you ever have any correspondence with this McNally or with any McNally? **A.** I could not say; I had very little correspondence with anybody.

Q. Will you swear you had no correspondence with McNally? **A.** I won't swear either way.

Q. Can you swear — ? **A.** Anything that I know I will swear to.

Chairman Lexow. — He has already sworn two or three times that he did not; that all he knew of McNally was what he read in the newspapers. If that is false, he must take the responsibility.

Q. I hand you another slip, of December 7, 1893, and ask you what that bill is; give the items; read them off aloud? **A.** "To balance, \$285."

Q. What does that mean? **A.** That means to balance.

Q. Balance of what? **A.** I don't know.

Q. Do you mean to stand here, under the obligation of your oath, and say that you do not know what that balance is; what is it for; never mind reading the rest of it; direct your attention to the first item that I am questioning you on; what is it — are you done? **A.** No.

Q. Then give us an answer? **A.** I suppose it is a balance of money that he owed me.

Q. That who owed you? A. Walter.

Q. Walter? A. Walter is the only man that I have known.

Q. Go on now with the next item? A. "One hundred thousand sets."

Q. What does that mean? A. I could not say exactly what it means.

Q. What is it, sets of shoes? A. That is what he told me to put down.

Q. Sets of shoes? A. I could not tell you what it was; it was printing.

Q. Manicure sets? A. I don't know what it was.

Q. You did the printing, what are the sets for? A. You asked me what it was and I told you it was printing.

Q. I am asking you what printing it was? A. It was printing.

Q. What sort of printing? A. I could not tell you.

Q. Was it printing a newspaper? A. It might have been.

Q. Is there any man in New York by the name of Walter that publishes a newspaper that you have done business for? A. I could not tell you.

Q. How much did you charge for that? A. For what?

Q. For that item? A. Six hundred dollars.

Q. You must know what the "sets" are, when you could make your charge for \$600? A. I charged \$600; I can not recollect exactly what it was for.

Q. How did you make up the item of \$600, for 100,000 sets? A. That is the way he told me to write it out.

Q. What did you charge the \$600 for? A. I could not tell you what, I put down what he said.

Q. Do you mean to say that you put that down without knowing what it was for? A. I have done printing but I don't know what "sets" means; that is the way he told me to make it out.

By Senator Saxton:

Q. Do you not know what he meant when he told you that? A. It was for some printing.

Q. What was the printing? A. I could not tell you; I told you before that I never went to school, and I can read very little.

Senator Bradley.—If you were in Sing Sing for four or three years perhaps you could tell when you came out; you had better be careful.

The Witness.—I am as careful as I can be.

Q. Read the next item on that bill? A. "One hundred thousand ordered to-day."

Q. What were ordered to-day? A. I could not tell you.

Q. What did you put down that item for? A. Six hundred dollars.

Q. What did you put it down for? A. I don't remember what it was for.

Q. What was ordered, that you charged \$600 for? A. It was printing.

Q. What was the kind of printing? A. I could not tell you exactly what they were.

By Chairman Lexow:

Q. Did you have many daily orders as large as that? A. No, sir.

Q. Did you have any? A. No, sir.

Q. You never had any orders as large as that, outside of this order? A. No, sir.

Q. And you can not remember what it is? A. It was for printing.

Q. Don't you know what kind? A. They were some circulars.

Senator Saxton.—Mr. Goff, ask him squarely whether they were these kind of circulars.

Q. I hand you a circular marked Exhibit 1, September 10th, and ask you if those sets contained any paper like the one I hand you now? A. Do you mean to ask me whether that is mine?

Q. I hand you a circular marked Exhibit 1, September 10th, and ask you if those sets contained any paper like the one I hand you now? A. It might have.

By Chairman Lexow:

Q. Do you not know whether it did or not? A. I could not tell you.

Senator O'Connor.—You want to understand, witness, one thing, that while you are excused from incriminating yourself by testimony you give here, you are responsible for any perjury that you commit, and are liable to be indicted and sent to State's prison. You are protected here only to the extent of telling the truth.

The Witness.—I am willing to tell the truth, as far as I can remember. I have nothing to shield.

Q. Is not that a green goods circular; do you not know that the sets that you mentioned in the bill is for green goods circulars? A. It might have been for circulars something like this.

Q. Do you not know, as a matter of fact, that the sets mentioned in that bill are for green goods circulars, sets that you printed for McNally? A. No, sir.

Q. Or one like it? A. No, sir.

Q. Do you not know that the sets mentioned in the bill is for green goods circulars that you printed for McNally? A. I did not know at the time whether they were green goods or not; they were circulars something of that kind.

Q. You have sworn that you have never had any transaction or correspondence with McNally? A. Personally; no, sir.

Q. That is your signature, is it not? (Handing paper to witness.) A. Yes, sir.

Q. I read from this letter: "March 1, 1894, Mr. McNally, Dear Sir.—As you are aware that I went to see you six times—three times on your own invitation—and could only see you once, and that for a few minutes." When you swore, a little while ago, that you never saw McNally, did you swear to the truth or a falsehood? A. Yes, sir; I swore to the truth.

Q. When you say here that you only saw him once and that for a few minutes, is what you say in the letter a truth or a falsehood? A. If you will allow me, I will explain.

Q. No; answer my question? A. He told me his name was —

Q. Answer the question; I will put it to you; is the statement that "I only saw you once, and that for a few minutes," is it true or false? A. I saw Mr. Morris.

Q. Is it true or false? A. I saw the gentleman that I wrote to.

Q. Is that statement true? A. Yes, sir.

Q. "I would like to know what is the cause of all the delay and annoyance to me;" what delay and annoyance had you reference to? A. I could not exactly tell you what it was; he owed me some money and that is what it was.

Q. For what? A. For some work.

Q. Who owed you the money? A. I will tell the truth if you will let me come to it; a gentleman named Morris, I found afterward from Walter, that the name was McNally, but the name he gave me was J. W. Morris; that is the name that he gave me; I never knew it was McNally until the time I wrote this letter, and Walter told me it was McNally; the envelope was addressed to Morris; if you have got the envelope, you can

see it, but I wrote the letter to McNally to show him that I knew who he was.

Q. When you wrote to McNally, you wrote to show him that you knew who he was and that you knew he was McNally, the green goods man? A. Yes, sir.

Q. And what you swore to a while ago, that you did not know McNally then, was false? A. I never knew McNally; I knew Morris.

Q. You knew the individual that you addressed as McNally? A. Yes, sir.

Q. And you addressed him, you swear, to let him know that you knew who he was? A. Yes, sir.

Q. And when you knew who he was, you knew he was McNally? A. Yes, sir.

Q. And you swore a while ago that you never had any transaction with McNally? A. Not personally.

Q. But you say you saw him once? A. I went to see Morris; I did not go to see McNally; I did not know there was such a man as McNally.

Q. And Morris was McNally? A. I did not know it until after I wrote the letter.

Q. "You told me that when I did business with you that there would be no delays and no trouble to see you." When did he tell you that? A. I suppose when I saw him.

Q. When was that? A. Walter is the man.

Q. You do not talk to Walter here in this letter? A. I know, but Walter was the man who was supposed to be — I never saw McNally but once; I didn't know it was McNally.

Q. "Kindly answer this without delay as I am already out of patience. Yours, J. M. Reinschreiber." What do you think of yourself now, anyway? A. (No answer).

By Senator O'Connor:

Q. What do you say now about that bill being rendered by you for printing green goods circulars? A. I suppose they were green goods.

By Chairman Lexow:

Q. You knew it before, did you not? A. I never read that through.

Q. You knew it before, did you not; you knew it all the time did you not? A. I knew it after McNally's name was mentioned when Walter told me.

The Chairman.—The fact is that this witness has perjured himself on four or five different occasions on record. The question is whether you desire to take proceedings for his conviction for perjury?

Senator Saxton.—Ask him if these sets included that printed slip.

By Mr. Goff:

Q. Do you remember in those slips that you printed for Mr. McNally, whether one of those slips appeared to be a newspaper cutting? A. I think there was.

By Chairman Lexow:

Q. Do you not know there was? A. Yes, sir.

By Mr. Goff:

Q. And that newspaper cutting or what appeared to be a newspaper cutting went with the circular, with a circular like this one here that I have shown you, did it not? A. Yes, sir.

Q. You put an item there of a charge for names, "100,000 names;" what are the names that you furnished? A. They were little slips with a name on.

Q. Is that like one of them? A. No, sir.

Q. Describe it then? A. It was something on that style; I could not describe it, but something on the style of that.

Q. It contained the names of persons who have received circulars? A. No, sir.

Q. Or to whom circulars have been sent? A. No, sir.

Q. What names, then? A. Simply a name on there; if you will allow me to look at it, I will tell you; that is what I mean by names. (Referring to names on slip produced.)

By Chairman Lexow:

Q. When you charge for 100,000 names, you charge for 100,000 printed slips like that? A. Yes, sir.

By Senator Saxton:

Q. Does that mean without the names in, so that it can be written in? A. No; the name is printed in.

Senator O'Connor.— I guess the witness will tell all he knows about it now.

By Mr. Goff:

Q. You say you never knew anybody but Walter; here is an item for 20,000 names for John? A. That used to be a boy.

Q. Then you did know somebody else besides Walter? A. He used to come up for Walter.

Q. But you knew somebody else besides Walter? A. Yes, sir.

Q. And you swore falsely then, did you not, when you said you did not know anybody else but Walter? A. I hadn't any business with him.

Q. But you knew somebody else besides Walter? A. Yes, sir.

Q. You knew John? A. Yes, sir.

Q. And you swore falsely when you said you knew nobody else but Walter? A. I never had anything to do with him.

By Senator Saxton:

Q. Do you know whether it was Walter McNally? A. No, sir; it was not Walter McNally?

Q. Then you know Walter McNally, do you? A. No, sir; but this Walter told me who this McNally was.

Q. Walter McNally; did you know Walter McNally? A. No, sir.

Q. Then how did you know this was not Walter McNally? A. Because he told me what his name was; Walter something; I can't think of it, but I know it was not McNally.

By Mr. Goff:

Q. Did you do any printing for any persons besides McNally? A. No, sir.

Q. Of this same kind of work, I mean? A. No, sir.

Q. You know how you swore before? A. Yes, sir.

Q. And how we have proved you to be a willful perjurer? A. I have done no work for anybody else.

Q. Be careful; did you do any work for any other person besides McNally? A. No, sir.

Q. Was your place ever visited by the police — now, be careful? A. No, sir.

Q. Or by any police official? A. No, sir.

Q. Or by any society officers? A. No, sir.

Q. You are sure of that? A. Not to my knowledge.

Q. To your knowledge, I mean? A. Not while I was in; there was nobody there.

Q. How long were you doing this business? A. I guess for about eight months.

Q. Are you doing it now? A. No, sir.

Q. When did you give it up? A. I guess it must have been in March.

Q. March of this year? A. Yes, sir.

By Senator Saxton:

Q. Do you mean to say that is all the time you were engaged in that sort of business; eight months? A. Yes, sir.

Q. You were only engaged in printing these sets about eight months? A. That is about it; it was about December when I began.

By Senator O'Connor:

Q. In doing that kind of work did you get about three times the price that you would charge for legitimate work? A. No, sir.

Q. Were your prices any higher? A. No, sir.

Q. Just the same? A. Not much higher.

Q. Now, when you come to see the whole record, you went into the thing deliberately to print those circulars for McNally and you knew what you were engaged in doing, did you not? A. Not at first I did not.

Q. But you did before you had gone very far? A. I did.

Q. You knew exactly what that was, and that it was a thieving business? A. Yes, sir.

Q. To swindle the countrymen? A. No, sir; I did not have anything to do with the swindling.

Q. You knew the material was to be used for that purpose, did you not? A. I did not know what they were going to do with it; I did not know what it was at first; it would take me a couple of hours to read one of those circulars.

By Chairman Lexow:

Q. But before the eight months were up you knew all about it, did you not? A. No, sir.

By Mr. Goff:

Q. You say you had only one compositor? A. Yes, sir.

Q. Here is a bill, "200,000 sets" of these circulars and newspaper clippings, for which you charged \$1,200; do you mean to say one compositor was able to read all that stuff? A. Yes, sir.

Q. Did you not do some reading yourself? A. No, sir; I might have done some reading; yes, sir.

Q. How did you first get it, was it a copy written in ink, or a printed copy? A. I think it was a printed copy.

Q. Such as the one I show you? A. Yes, sir.

Q. And now one word in the line of Senator O'Connor's question, for the period of eight months or thereabouts you printed green goods circulars in this city for McNally, did you not? A. Yes, sir.

Q. Did you print any greater amount than the ones you have a bill here for? A. No, sir; that was an itemized bill of everything that I done.

Q. And you printed for McNally, the green goods man, 200,000 sets of green goods circulars? A. I didn't know it was him.

Q. And you printed for him, the man to whom you billed this? A. Yes, sir.

Q. And you sent 100,000 names to him? A. Yes, sir.

Q. And you knew that was part of the system of the green goods swindling, did you not? A. I could not say.

Q. Did you not know from reading the circular and the clippings that it was part of the green goods swindle? A. I suppose I did.

Q. Do you know the rates of job printing for newspapers? A. No, sir.

Q. What rates of job printing have you? A. I charge according to the job.

Q. I will give you this circular; what scale of price have you or printing a circular of that kind?

Chairman Lexow.—You mean if it was an ordinary commercial circular.

Mr. Goff.—Yes.

A. You want to know the price that I would get on that?

Q. Yes; an ordinary commercial paper? A. About \$7 a 1,000; \$8, perhaps, for the first 1,000.

Q. Then how much for the next? A. About \$3 or \$4; it all depends upon the paper.

Q. Similar paper to this, I mean? A. I guess about \$4.50 per 1,000.

Q. Would that average for a number of 100,000? A. One hundred thousand, perhaps, I would do it for less.

Q. I should say so.

By Senator Saxton:

Q. Did you ever print any circulars before this, with type that makes it look as if were done with a typewriter? A. No, sir.

Q. Then you got some type for that purpose? A. Yes, sir.

Q. You bought special type to do the work? A. No; every printing office has that type, you have got to have that.

Q. I understood you to say that was the first one of that kind you have ever done? A. Yes, sir.

Q. But you had the type to do it? A. Yes, sir; every office has it.

By Chairman Lexow:

Q. This newspaper cutting, did you not have a lithograph for the purpose of making that? A. No, sir.

Q. Did you make that with ordinary type? A. Yes, sir.

Q. Were not the corners cut off as though it had been cut out of a newspaper — you could not use ordinary type for printing that newspaper clipping, could you? A. Certainly they cut it off to suit themselves.

Q. Was it not made to represent a cutting out of an actual newspaper? A. Yes, sir.

Q. And was it not so fixed that the type ran to the extreme edge of the paper where it was clipped? A. I don't know what you mean.

Q. Did not the type run to the extreme edge of the paper? A. Yes, sir.

Q. And cut down here, leaving type on the other side? A. Yes, sir.

Q. Did you have any appliance in your office for making that? A. No, sir; we set up the type to do that; set it up in that way.

Mr. Goff.—I offer the witness' card and memoranda bill and letter, all the papers in connection with it.

Marked Exhibits 2, 3, 4 and 5.

Chairman Lexow.—It is the unanimous opinion of the committee that this case should be brought to the attention of the grand jury. The committee purposes to protect its witnesses so far only as the witnesses tell the truth. Where a witness willfully perjures himself before the committee, the respect the committee owes itself and the community require that the matter be brought to the attention of the grand jury.

Mr. Goff.—Will the chairman direct the stenographer to make a special copy of this testimony for the purpose of transmission to the district attorney with the remarks of your honor in reference thereto?

Chairman Lexow.—The stenographer is so directed.

Mr. Goff.—(To the witness.) We will excuse you for the day.

I hereby certify that the above is an accurate transcript of my stenographic notes of the testimony of the witness, Joseph M. Reinschreiber.

S. B. HINSDALE.

William Applegate resumes the stand:

By Mr. Goff:

Q. You say McNally had about eight writers at that time?

A. Yes, sir.

Q. Were they scattered throughout the city? A. They were; yes, sir.

Q. You were giving the committee a statement of the division of the profits arising from the strike? A. Yes, sir.

Q. Was there anything in the division of those profits that went for police protection? A. McNally was supposed to pay that protection out of his part.

Q. Out of his 50 per cent.? A. Yes, sir.

Q. Was he supposed to pay protection for all his writers? A. Each writer was supposed to give \$50 a month for protection in the precinct where their workshop was.

Q. Each worker was to give McNally \$50 a month? A. Yes, sir.

Q. For protection in that precinct where he did his writing? A. Yes, sir; where they had their workrooms.

Q. Did that \$50 a month include all the protection that McNally paid to the police? A. Yes, sir.

Q. Did he not pay a general protection for himself? A. Yes, sir; of course, he pays that.

Q. Outside of the \$50 a month from the writers? A. Yes, sir; outside of that.

Q. But the \$50 went to the captains of each precinct where the writings took place; the \$50 from the writers went to the captain of that precinct? A. Yes, sir.

Q. You say you remained a month in Elizabeth street? A. Yes, sir.

Q. What caused you to leave there? A. Word came down there that things were getting hot; that the police captains had been shifted about and they have to go uptown with the captain that we were right with.

Q. Give us the full word to the best of your recollection that was given to you? A. They came to the workshop and —

Q. Who; Jim McNally? A. Yes, sir; and told us all to pack up; that we would have to go to Harlem; that the captain of the precinct had been transferred from down there, up to Harlem, and, for protection, we had to go up there.

Q. To go up with the captain to the precinct to which he had been transferred? A. Yes, sir.

Q. Did Jim mention the captain's name? A. Yes, sir.

Q. What was the captain's name? A. Captain Meakim was the name.

Q. Was Meakim captain of the precinct in which the writing took place at that time in Elizabeth street? A. He was the captain of the Mulberry street precinct.

Q. And that was in his precinct? A. Yes, sir.

Q. After Jim McNally told you that, tell the committee what took place on that day? A. We went up to Harlem and Jim said we would go and square things up with the captain and start work; they had no place where they could beat the victim, and he went up and squared things with Captain Meakim, and he came down and beat the victim in Hawkins' saloon, in the box.

Q. Describe how you moved on Elizabeth street; what was done? A. We took all the material off in a wagon, and Jim drove up in a carriage, and the turners went up on the train.

Q. On the elevated train? A. Yes, sir.

Q. And the material and circulars, went up in a wagon? A. Yes, sir.

Q. What kind of a wagon? A. An express wagon.

Q. How did Jim go up? A. In his carriage.

Q. Was he driven or did he drive? A. He drove up in a carriage himself.

Q. Was anybody with him? A. No, sir; the bank roll was.

Q. He took the bank roll with him; did he? A. Yes, sir.

Q. Where did you go? A. I went up with the wagon to One Hundred and Sixteenth street, to Hawkins' saloon.

Q. The wagon that contained the circulars and other material used in the office? A. Yes, sir.

Q. Where is that? A. It was One Hundred and Sixteenth street and Eighth avenue.

Q. Next door to the corner? A. Next door to the southeast corner.

Q. On which side of the avenue? A. On the southeast corner.

Q. When you went to Hawkins' saloon, what took place? A. We made arrangements with Hawkins to give him \$5 a man to beat the man in his place that day.

Q. Made an arrangement with Hawkins to give him \$5 a man for every man you would beat in his place? A. Yes, sir.

Q. Before you made the arrangements with Hawkins, did you go any place? A. Yes, sir.

Q. Where did you go? A. In the carriage with McNally.

Q. Where did McNally drive? A. To the station-house.

Q. What station-house? A. One Hundred and Twenty-fifth street.

Q. West or east? A. West One Hundred and Twenty-fifth.

Q. What did he do when he got to the station-house? A. He went there to interview Captain Meakim.

Q. Did he see Captain Meakim? A. He did.

Q. Did you see him talking to Captain Meakim? A. I did.

Q. Where did he talk to Captain Meakim? A. In the house; in the room.

Q. In a room in the station-house? A. Yes; by the window.

Q. Where were you while they were talking? A. Outside in the carriage.

Q. Was the bank roll in the carriage? A. No, sir.

Q. Jim had fixed that, had he? A. He had given that to Walter Haines.

Q. After Jim had left the station-house, after having had the talk with Captain Meakim did he rejoin you in the carriage?
A. Yes, sir.

Q. What did he tell you as to what took place? A. He said everything was all right and to go down and give them word to start right to work.

Q. Was that all that he said? A. He said he had squared things up and the next thing he had to do was to get Hawkins right.

Q. Where did you go from there with Jim? A. We went to One Hundred and Sixteenth street and Eighth avenue.

Q. You drove back there? A. Yes, sir.

Q. When you went to One Hundred and Sixteenth street and Eighth avenue did you see Captain Meakim? A. Shortly afterward I did.

Q. How shortly, the same day or the same afternoon? A. About half an hour afterward.

Q. Where did you see Captain Meakim? A. In the drug store.

Q. What drug store? A. One Hundred and Sixteenth street and Eighth avenue on the northwest corner.

Q. Was there any one with Captain Meakim? A. Detective Carlton.

Q. He was Captain Meakim's wardman, was he? A. Yes, sir.

Q. Did Captain Meakim and his wardman go into the drug store? A. Yes, sir.

Q. Did you see any other person in the drug store? A. Hawkins and McNally.

Q. You saw those persons in the drug store? A. Yes, sir.

Q. Did you see them talking together? A. Yes, sir.

Q. After they talked and separated did you see him and Hawkins come back from the drug store? A. Hawkins came over and Jim jumped in the carriage.

Q. Where did you go? A. I went to the telegraph office on One Hundred and Sixteenth street and from there back to Hawkins.

Q. What did you go to the telegraph office for? A. To see the telegraph operator there.

Q. What for? A. To see if he could get her right, if he could receive messages there.

Q. There was a female operator? A. Yes, sir.

Q. When you say "get her right" explain that? A. He offered her so much a month to allow those messages to come

there and he sent to fictitious addresses and to be held there until they were called for.

Q. How much were you authorized by McNally to offer her a month? A. Fifty dollars a month and each writer would chip in so much.

Q. Each writer pay it to McNally altogether? A. Each writer chipped in.

Q. Do you remember that young woman's name? A. No, sir; I do not remember it.

Q. Can you give us any description of her and the place? A. The place she lived there, with her mother, a sort of grocery and candy store, and she, the daughter, had charge and was the operator.

Q. Generally speaking, was that arrangement made with all telegraph operators who did business for you? A. Yes, sir.

Q. That is, they were to receive the messages addressed to a fictitious place and to hold them for you, is that it? A. Yes, sir.

Q. Tell us something more about this telegraph business—

Mr. Goff.—Is Mr. Schrader in the room?

Mr. Schrader? A. Yes.

Mr. Goff.—The witness will be withdrawn for the present.

Edward Schrader, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your occupation? A. I am a telegrapher.

Q. Have you charge of an office? A. I have; I am manager also.

Q. Where is your office? A. Corner of Bowery and Grand street.

Q. Do you know anything about green goods men having telegraphic messages addressed? A. I do; at least I presume I do.

Q. What is the system adopted? A. I know very little of the system; I know that they get messages; what the exact contents of the messages are I can not recollect.

Q. What arrangement was made about the delivery of the messages? A. The messages are delivered to the men they are addressed to, presumably.

Q. In case you found fictitious addresses, for instance, a telegram addressed to a vacant lot, what did you do? A. I have not had that happen.

Q. Was there not one general address that these green goods business was carried on, when you were manager there at Grand street? A. There were one or two such places.

Q. What was that general address? A. The address was either in care of Mr. Farley —

Q. Was that at Farley's saloon? A. Yes, sir; or 137 Bowery.

Q. To whom at 137 Bowery were they addressed? A. I could not recollect the name, but I think there were three or four people.

Q. And if you had their names in the office? A. Yes, sir; I did and didn't; that is to say I had them.

Q. So when these messages came, you could transmit them to the persons you knew they were intended for? A. I had the boys deliver them, the same as any other business.

Q. I only want to get at the system; the committee is not imputing any irregularity to you at all; I now ask you to look at this paper and see the name Mr. Reade, 137 Bowery; was that one of the names? A. Yes, sir.

Q. What is that paper? A. That paper is a bill for telegrams and telephone to Bridgeport, Conn.

Q. Did you ever know who Reade was? A. I had a certain party identified as Mr. Reade, and I believe it was him to the best of my knowledge, but I could not swear that he was actually Mr. Reade.

Q. Did you hold or carry an account with this same Mr. Reade; it seems that you have rendered a bill there? A. This bill — this Mr. Reade I understood to be in the employ of James McNally.

Q. McNally, the green goods man? A. Yes, sir; I understood that this man Reade was the party who came in and telephoned, sent messages; those messages were not, strictly speaking, green goods messages, but were social messages, asking him to come to New York, and things of that kind; I can not say exactly from actual knowledge that this or that message was a green goods message, but this man was supposed to be in the employ of James McNally.

Q. And this bill was rendered on behalf of the company and receipted for by you? A. Yes — no; the bill was not rendered

on behalf of the company, strictly speaking, the parties came in and telephoned and they said they had no money and that McNally would come and pay it; I took their word for it and I allowed them to run this bill and then I collected it.

Q. You were severally responsible for it in case McNally had not paid it? A. Yes, sir; I was.

Q. That is what you mean when you say it was not on behalf of the company? A. Yes, sir; because the telephone was really no part of the company's business.

By Senator O'Connor:

Q. Did your telegraph company knowingly engage in this business? A. I presume they did; yes, sir.

Q. They knew that these dispatches were sent in this business? A. If they did not want them to be delivered they would never let them reach my office.

Q. Did they not know that they were aiders and abettors in breaking the law, in sending dispatches of that kind? A. I know nothing about that.

William Applegate resumed the stand.

By Mr. Goff:

Q. In order to accommodate a witness present I will pass over some matters and return to them again; I will ask you about the four men Haines, McNally, Captain Meakin and Wardman Carrollton, who were in the drug store; after they left the drug store which of the four did you see? A. I did not say that Mr. Haines was in the drug store.

Q. No; Hawkins, I should have said? A. Yes, sir.

Q. Which of the four did you see? A. After they had come out of the drug store?

Q. Yes? A. I saw Jim.

Q. What did Jim say? A. He said everything was all right.

Q. When Jim came there he said it was all right? A. Yes, sir.

Q. Did he say anything about terms with Hawkins? A. He had made arrangements with Hawkins, to give him \$5 for each man who was beat in his place.

Q. Did he say anything about Captain Meakin? A. About what arrangement he had made?

Q. Yes? A. No; not at that time.

Q. After Jim told you that, was there anything done that evening with regard to work that you had already commenced on down town? A. They beat some men there that day.

Q. How did those men get up to Hawkins' place? A. They had been brought on with the intention of going to the downtown joint and as soon as we moved, the steerer had to bring them to Harlem and plant them in some saloon and then go to Walter and let Walter go to the men and talk with them and then bring them to Hawkins' saloon.

Q. Before you got the word from Jim in the down town precinct, a number of "come-ons" were there planted in various saloons? A. Yes, sir.

Q. Waiting to be "turned?" A. Yes, sir.

Q. To be operated on? A. Yes, sir.

Q. And after the word of march was given to the down town precinct, your "turners" were instructed to bring those "come-ons" or victims from the down town saloon, to some place in the upper part of the city? A. Yes, sir.

Q. And to be planted up there? A. Yes, sir.

Q. Do you know where they were planted around in the neighborhood of Hawkins' saloon? A. Yes, sir; in Beckman's saloon —

Q. Where is Beckman's saloon? A. One Hundred and Sixteenth street and Eighth avenue.

Q. Who else? A. Farley's, One Hundred and Seventeenth street and Eighth avenue.

Q. What other place? A. Slosson's, One Hundred and Nineteenth street and Eighth avenue.

Q. Those victims were planted in those saloons awaiting the upshot of the arrangement between Captain Meakin and McNally, were they? A. Yes, sir.

Q. And when those arrangements were completed and as Jim said all right with the captain, you went ahead and operated on instructed three of them that afternoon in Hawkins' saloon? A. Yes, sir.

Q. In what part of Hawkins' saloon was it that was used as the "turning joint?" A. The toilet.

Q. I will step over a little bit; how long did you continue around Hawkins' saloon? A. About four months.

Q. That was the headquarters? A. Yes, sir.

Q. What caused you to move away from there? A. I do not say that we beat men there for four months.

Q. No; but that was your headquarters, your hanging out place? A. Yes, sir.

Q. What caused you to move away from there? A. There were some complaints sent to Captain Meakin about the green goods men hanging around there, complaints by the neighbors.

Q. How did you ascertain that? A. Through Charlton telling McNally.

Mr. Goff.—The witness will be withdrawn for the present.

Frederick P. Forester, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. Where is your office? A. Fifty-two Wall street.

Q. Were you, about the year 1892, interested in any property in the neighborhood of One Hundred and Sixteenth street and Eighth avenue? A. I was.

Q. In what capacity? A. I was the owner of it.

Q. Did you have any complaints made to you as to the neighborhood being infested with bad characters? A. I did, from my agents.

Q. What was the reputation of the persons who infested that neighborhood? A. He told me that the green goods men infested the neighborhood and had brought a class of people there who were objectionable; they used this Hawkins' saloon, I think it is, and it was generally giving the neighborhood a bad reputation, so there was difficulty in renting apartments.

Q. And you found that an injury to your property? A. Yes, sir.

Q. Did you take any steps to abate the nuisance? A. I did.

Q. What steps did you take? A. I wrote a letter to Charles F. McLean, then police commissioner, whom I knew personally, I believe I knew them all personally, but I believed that he was the man, if anybody, who would do something to right the wrong,

Q. Did you keep a copy of that letter? A. I did.

Q. Did you ask recently about that letter? A. I asked him for the original and he said he could not find it; that is if he had it it was stored away in a manner that it was impossible for him to produce it.

Q. That is, when he left the police headquarters recently? A. Yes, sir; he said his papers were all packed up and sent in the country.

Q. I hand you a paper and ask you if you recognize it as a copy of the communication you gave or sent to Commissioner McLean?

A. That is the copy which I had in my letter book.

Chairman Lexow.—How much longer do you expect to remain here to-day?

Mr. Goff.—I think we can get through by 8 o'clock this evening.

Chairman Lexow.—Is it necessary to remain so long?

Mr. Goff.—Absolutely; if your honors think proper, we might take a short recess at 6, but I can not let my witness go to-night.

Chairman Lexow.—Very well; we will remain.

Mr. Goff.—I will read your letter:

“June 26, 1892.

“Hon. Charles F. McLean, Police Commissioner:

“Dear Sir.—I am the owner of considerable property in the neighborhood of One Hundred and Sixteenth street and Eighth avenue. The neighborhood has for some time been infested with green goods men, and has a saloon running in the name of a man named Hawkins, which is most disreputable for the neighborhood which is a resort for the green goods men and other disorderly characters and should not be permitted to exist. They have music and dancing there at a late hour of the night; the windows being open and the noise is a disturbance to the neighborhood. The captain in that precinct is, in my opinion, unquestionably, unfit for the position; he either is not fit because he can not detect the commission of crimes which are known to most of the people in the neighborhood, and are notorious, or else he is unfit, because he, knowing those things, does not suppress them. My opinion is, that the latter is the correct explanation, as when complaint was made to a policeman in the neighborhood, in regard to these green goods men, he stated that it would be no good to go to higher authority in the police force in the matter, because he would permit nothing to be done.

“I am glad to see that the recorder has taken the matter up.

“I am very respectfully, yours,

“FREDERICK E. FORSTER.”

Q. Did you find anything after you wrote to Mr. McLean?
A. I did.

Q. For the better? A. For the better; I had been in the habit of going there about every Saturday and the next Saturday I went; I think my agent informed me that the nuisance had been entirely abated, that is, so far as the green goods men were concerned; they had left the neighborhood.

Mr. Goff.—We are much obliged to you for your courtesy and patience for waiting here so long.

William Applegate resumed the stand:

By Mr. Goff:

Q. Is Detective Charlton in court; I see he is; just stand up; is that the detective who told you, as you have stated, to go away from that neighborhood; that they raised quarrels, or raised a nuisance? A. That is him.

Q. And that is the detective that you saw with Captain Meakin in the drug store talking to McNally and Hawkins?
A. Yes, sir.

Q. After he told you that, what did you do; what was done?
A. The next day the better part of us moved from Hawkins' over to Day's saloon.

Q. How did you come to go to Day's saloon? A. It was a quiet neighborhood.

Q. Did any one suggest Day's saloon; were you not told to go to Day's saloon? A. I think Detective Charlton had a little to do with it.

Q. Was it by the suggestion of Charlton that Day's saloon was selected? A. I think it was.

Q. We will now go back to the telegraph operator — Senator Saxton was a little uncertain as to whether the arrangement was carried out with the girl; was that arrangement carried out with her? A. Yes, sir.

Q. And she continued to receive messages? A. Yes, sir.

Q. And to send them to your people? A. Yes, sir.

Q. With regard to the "come-ons" give us some illustrations or instances of how this girl worked it with you? A. If the girl got a message saying "had shipped goods to-day, it would be addressed to Adolph Sanders, 216 West street, and that would be a vacant lot, no place to send it to there and she would hold it for the parties to call for it.

Q. In case of what are called "come-ons"— A. That is a "come-on."

Q. Do you know of instances where they went out of their way at night-time to tell you about the "come-ons?" A. Yes, sir; her mother went down to Adolph Sanders one night about 1 o'clock; the message read: "Will arrive at hotel at 6 in the morning." She knew that the man would be there at 6 and for fear that he would be lost, she went down with that message at 1 o'clock; she had been there earlier but nobody was home.

By Chairman Lexow:

Q. This telegram that you speak of, was that addressed to a vacant lot? A. Yes, sir.

Q. How did this woman get the telegram? A. It came to that telegraph office.

Q. And the addresses were left in the office, that when the directions came to a vacant lot that they should hold them until called for? A. Each writer left his name and the address and she would hold them; she knew it was for him; she might not know it was a vacant lot; her instructions were to never send a message out to anyone of them, but let them call.

Q. Do I understand that this operator got \$50 a month for the services performed? A. That was the arrangement made first but afterward each writer was to pay her so much; Jim made other arrangements first, because he thought he would start up a lot of writers there but he changed his mind about that.

By Mr. Goff:

Q. When you went up to Harlem, did you continue in the same position that you were down in Elizabeth street? A. No, sir.

Q. What was the change? A. I acted as sort of messenger for McNally.

Q. And you were brought into personal contact with him? A. Yes, sir.

Q. You did his confidential business? A. Yes, sir.

Q. In doing the confidential business did you ever pay any money to police officers for him? A. Yes, sir.

Q. And to police captains? A. Yes, sir.

Q. And to men from the central office? A. I have handed it to them in his house, to one.

Q. One of the central office detectives? A. Yes, sir.

Q. And while you continued with McNally in that relation, did you live with him? A. Yes, sir.

Q. Was that the time that your sister went to live with him? A. Shortly after that.

Q. And you all lived there together? A. Yes, sir.

Q. So that you had opportunity from your position with McNally to know all of the arrangements of his business and how it was conducted in New York? A. Yes, sir.

Q. I hand you two tin boxes; do you recognize those as belonging to McNally? A. Yes, sir.

Q. Were those boxes used in his business? A. Yes, sir.

Q. Here is a third one and here a fourth one; what were those four boxes used for? A. They would put the money in one box for the man, in a box like that, and that would be a deal of from about \$300 to \$500; they would put the money in this box and it would be in front of the victim, and in the meantime a duplicate box would be behind the partition, and in the duplicate box there would be a brick and some paper and they would put the money in this box here on the desk and lock it up before the victim, it would be on the back of the desk like that and then Billy Vosburgh would say, "get that book," and with that they would lift up the desk and that would hide the box from the victim, and then Walter McNally who did the ringing would open his trap door and take this box in and put the other box out; it would all be done in a second.

Q. I will now hand you this fifth box; what is that used for? A. That was used for the bank roll.

Q. What is there — is there a false lid to that? A. No; — there is one, yes.

Q. How was the bank roll brought into play there; explain about that? A. The bank roll would be laid right in there, \$8,200 — it would be laid there; there was supposed to be \$8,200 done up in packages with three elastics around them.

Q. Now, I hand you this box and ask you if those were the packages that were exchanged for the genuine packages? A. Yes, sir; these were as we called them the dummies.

Q. Explain how they were operated? A. You see this is a package supposed to be of \$5 bills; there would be a good one on the top and the good one on the bottom and here would lay the same package of genuine money and Walter would count out, say \$200 in \$5 bills which would be so much, and he would say to save time "we will measure the packages together and instead

of counting each and every bill we will put the packages together" and the victim would think there was the same amount of money in each one, and then through slight of hand, he would put these in the box and the good money on top, and if the victim wanted to see the packages again he would show them, and the one on top would be good money, and if the victim is a hard victim he might want to take the money with him, and then Walter would shift these packages and, therefore, he got about \$60 for \$500 or \$1,000.

Q. And the victim would get those packages that we now exhibit instead of the packages containing the good money that he has seen? A. Yes, sir.

Q. There were many of those in use, were there not? A. Yes, sir; we would never take the elastics off these; we would just take the elastics off the good money.

Q. What are these in the sixth box? A. That is when we had a pool-room for a short while in Bridgeport after we left New York; we started a pool-room there and we had those tickets printed for that purpose.

Q. You said something about a box containing a brick? A. Yes, sir.

Q. Was there another name for that box; did you say something to me about "state rights"? A. There was a difference in the box, state right box was the larger; that would be a \$650 deal.

Q. Explain that? A. They would tell the victim that if he came on with \$650 we would sell to him and no one else in his State.

Q. For \$650? A. Yes, sir; but nothing less; they would not give him the State rights for anything less.

By Senator O'Connor:

Q. How much are they supposed to get for \$650? A. Ten thousand dollars.

By Mr. Goff:

Q. Here is a box with a heavy weight; see what is in this box? A. I guess that is a brick; (witness takes out a brick wrapped up in paper); that is what he would get for his \$650; for a \$300 deal he would get a half a brick; for \$10,000 it would have to be heavier than for a less amount.

By the Chairman:

Q. That brick is supposed to weigh the same as \$650 would?

A. No; as \$10,000 worth of money would.

By Mr. Goff:

Q. That is to represent the weight of money? A. Yes, sir.

Q. And when the guy goes away and gets on the ferry or on the train and opens the box, and instead of finding the money there he finds this brick? A. Yes, sir.

Q. Before I get any further away, these boxes that you have now described, do they come from the effects of Jim McNally? A. Yes, sir.

Q. You recognize them as such? A. Yes, sir.

Q. You know that they belonged to him? A. Yes, sir.

Q. You have seen them used? A. Yes, sir.

Mr. Goff.—I find on consultation with my associates that we can with propriety and safety adjourn this evening at this time. We are ready to go along as the emergency arises, but I find that we can adjourn with safety now. Before we adjourn, Mr. Chairman, I wish you would warn all witnesses under subpoena here to-night to be here in the morning promptly. I shall also ask you to instruct the sergeant-at-arms to deputize Mr. Thomas Kearney so that he will take charge of this witness until morning.

Chairman Lexow.—All witnesses under subpoena to-day will appear here again without being re-subpoenaed at half past 10 o'clock to-morrow morning.

Proceedings of the thirty-seventh session of the committee of the Senate of the State of New York.

Present Senators Lexow, Robertson, Bradley, O'Connor and Saxton; John W. Goff, Frank Moss and W. Travers Jerome for the committee.

William C. Applegate, recalled as a witness, being duly sworn, testifies as follows:

Direct examination by Mr. Goff:

Q. Now, William, we have reached the point in your examination of the number of writing places or shops in Harlem last night; will you state how many writers McNally had employed?

A. In Harlem?

Q. In Harlem, after he had established his headquarters at Hawkins' saloon, as you have testified? A. There was from 10 to 12 in Harlem.

Q. Ten to 12 in Harlem? A. Yes, sir.

Q. And they were scattered all over Harlem, you say? A. Yes, sir.

Q. Now, after word was brought to you—

Chairman Lexow.—Won't you get at the fact whether or not any were there before the captains were changed there.

By Mr. Goff:

Q. So far as you know, William, do you know anything of the policy business having been carried on in that neighborhood before you were there? A. I don't know anything about the policy business.

Q. Or the green goods business? A. Of the green goods business, I know nothing of any shops being up there previous to our going up there that day.

Q. You remember you testified that a police or ward detective said that the property owners had been complaining of the green goods men? A. Yes, sir.

Q. And it was suggested to you to go to Day's saloon? A. Day's saloon; yes.

Q. How long did you remain around Day's saloon? A. About five months.

Q. And during these five months you had 10 or 12 writers for you? A. Yes, sir.

Q. Now wait until I see about these writers. I hand you a slip of paper here headed "A statement" and written in black ink, with several names. Will you please state to me if you recognize that statement? A. Yes, sir.

Q. Did you ever see it before? A. Yes, sir.

Q. Where? A. McNally's house.

Q. In whose handwriting is that statement? A. That is in Sig. Hess's.

Q. Who was Sig. Hess? A. He acted as manager for McNally in Harlem.

Q. What is that statement? A. These are the writers of the circulars they had got.

Q. Will you please read out the names of the writers there? A. The first is Blodgett?

Q. The next? A. Blodgett; the next is Dolf; that meant Adolph Sanders; the next is Hilton, Horn, Sloan.

Q. That is the one that was on the stand yesterday? A. Yes; Bond; Bond was a fictitious name of a party named Heal.

Q. Healey? A. Heal; Applegate, 5,000.

Q. Are you the individual referred to there? A. No, sir.

Q. What Applegate is referred to there? A. Charles Applegate; "Gene," that is, Gene Lewis.

Q. Is that the Gene, the name referred to in the printer's bill yesterday, that he had given 100,000 names to Gene? A. Yes, it must be; Gene is Gene Lewis; then after Hilton, Bond; all the same there together.

Q. What are the items there? A. "To storage 100,000; balance, \$195."

Q. What was that money for? A. Sir?

Q. What is that money for? A. That was the time of the little trouble in Harlem; the stuff was put in storage.

Q. A little trouble in Harlem, and the stuff put in storage? A. Yes, sir.

Q. What was the little trouble? A. It seems Byrnes issued an order to arrest all green goods men in New York, and they skipped to Jersey.

Q. Were the green goods men arrested? A. None that I know of.

Q. And they got word of it before any arrests were made? A. Yes, sir.

Q. And they skipped to Jersey? A. Yes, sir.

Q. And while they were in Jersey, they had stirred up matters in Harlem? A. Yes, sir; I did not say in Harlem, Mr. Goff, it was down town, that storage house.

Q. Speaking of that, do you know of any case where there was a raid made? A. There was a raid made in One Hundred and Seventeenth street the next night; previous to the raid being made, the wardman, Charlton, came to McNally and told him he was going to raid the joint and told us to get the stuff out of there that night; it was rather late when he gave the notice and he could not get up there in time; but there was five or six of us went up there and tore out the desk, and left the box and some partitions there.

Q. Where did you carry the goods you took out of there? A. Into Jersey.

Q. Did the raid take place next day? A. It took place next day; yes, sir.

Q. What followed the raid? A. Sir?

Q. What was done by the policemen? A. Nothing.

Q. They didn't even take the counters? A. They took what was there, that was all; some boards.

Q. And empty boxes and some partitions? A. Some boards, what we cared to leave there.

Q. That was all they got that raid on the green goods men? A. Yes, sir.

Q. And all your valuable goods were stored in Jersey? A. Yes, sir.

Q. There was no arrest made at that time? A. None whatever.

Q. You say Wardman Charlton went to McNally the night before and told him? A. Yes, sir; I wish to say in regard to Wardman Charlton, I do not know whether he was sent there by Meakin or the commissioners, or the higher officers; but I see him in company with Meakin and he did not ask for us; I can not say he was sent there by the commissioners, but I know he came there with Meakin several times.

Q. That is, came to your place? A. Yes, sir.

Q. You say he did business with you for Meakin? A. Yes, sir.

Q. Is Charlton in the room? He was directed to be here to-day; you recognize him standing here to-day? A. I do; yes.

Q. Have you any doubt about the identity of that officer? A. None whatever.

Q. How many times did he do business for you? A. A dozen different times.

Q. You have seen him on many occasions? A. I have.

Q. Can you make any mistake about the man? A. I could not.

Q. You say he did business with you; what was the nature of the business he did with you? A. He collected money---he tipped us on all of many different things.

Q. When you speak of tipping, you mean he gave you information of arrests to be made? A. Yes; he gave us information when arrests were to be made.

Q. What money did he collect? A. I have entered on McNally's books myself where he collected \$450 three different months; the first of each month, for Meakin.

By Senator Saxton:

Q. How much each month? A. Four hundred and fifty dollars.

Q. Each month? A. Yes, sir.

By Mr. Goff:

Q. How was that \$450 computed; how was it made up; how was the sum fixed at \$450? A. In regard to the writers of McNally.

Q. How much was paid for each writer? A. Fifty dollars.

Q. And all those writers that were in that precinct had to pay \$50? A. Yes, sir.

Q. And McNally paid that \$50 for each writer to Wardman Charlton? A. Yes, sir.

Q. For Captain Meakin? A. For Captain Meakin.

Q. Was that the recognized and understood thing with all the writers of McNally, that that money should be paid? A. It was.

Q. You kept McNally's books? A. I kept McNally's books for over a year.

Q. Did you make entries in McNally's books of those payments? A. I did.

Q. In your own handwriting? A. In my own handwriting.

Q. And in making the entries did you state what the payments were for? A. For protection.

Q. Did you state the name of the person to whom you paid the money? A. I did.

Q. In paying to Charlton, did you state his name? A. No, sir; I put "wardman."

Q. Now I ask you about those books; do you know where those books are? A. I do not; I expected to see them sprung on me yesterday, being you had other stuff.

Q. Do you know where they were taken? A. The last I see of those books they were in the hands of a man named Rogers, one of the green goods men.

Q. One of the names you have mentioned? A. Yes, sir.

Q. Where were they? A. They were in Forty-third street, handed to him; he took them down to his house from Forty-third street to his house in Seventeenth street.

Q. Was that the last you saw of those books? A. That was the last.

Q. How many were they in number? A. Four; there were seven altogether; four I kept.

Q. And four you kept? A. Yes, sir.

Q. And in those four books were contained the record from the — A. Contained every cent McNally spent in every shape and form.

Q. Contained every cent McNally paid out? A. Yes, sir.

Mr. Goff.—It is proper to say here, gentlemen, that we have made every effort we had the power to make to secure those books. We had information that led us to examine a safe deposit company, and there was a safe in that safe deposit company owned by McNally, but an examination kindly afforded to us by the safe deposit company enabled us to discover that the books were not there. There were some worthless things there. We have also made every effort that is possible in this city and out of it to trace those books. We are satisfied now that those books are not in this country if they are in existence at all.

Q. Now in addition to the \$50 a month which you paid to Charlton, didn't McNally pay any additional money? A. For himself?

Q. For himself? A. Not to Meakin, I don't think.

Q. Not generally to Meakin? A. Not that I can say.

Q. That is each month? A. Yes, sir.

Q. How long did that continue? A. That continued for about nine months all told.

Q. You spoke yesterday about a telegraph operator in One Hundred and Sixteenth street; did you have another telegraph operator in Harlem? A. We had another in One Hundred and Twenty-fifth street; some people had their addresses above One Hundred and Twenty-fifth street.

Q. That is, some of the writers had their places above One Hundred and Twenty-fifth street? A. Yes, sir.

Q. And they found it convenient to get an operator in One Hundred and Twenty-fifth street office all straight? A. Yes, sir.

Q. Did you have any dealings with the One Hundred and Twenty-fifth street office? A. I did.

Q. What were those dealings? A. Getting messages for some of the writers; getting messages for McNally.

Q. Do you know the operator's name there? A. Finnegan.

Q. Do you know whether there was anything paid to Finnegan? A. I only know from what I hear writers say; each one of them gave him so much a message or so much a month; of course that I did not enter in the books, because it was not McNally's money.

Q. The writers had to pay that themselves? A. Yes, sir.

Q. But it was a recognized system, and part of the business, that writers should look after the operators in their immediate neighborhood? A. Yes, sir.

Q. So as to get messages forwarded to them and messages to fictitious names and places where there were no houses? A. Yes, sir.

Q. That was the rule, wasn't it? A. Yes.

Q. Isn't that the rule all through the green goods business in regard to the telegraph operators? A. Yes, sir; it has got to be.

Q. Will you explain why? A. Why, they never have a message come to their right address; they do not dare to let the victim know where they will be, and, therefore, they have got to get a fictitious address; if they did not let the operators know, the message would go to the fictitious address and come back again.

Q. So the messages would not be delivered but for the co-operation of the telegraph operator? A. Yes.

Q. And in order that the writer should receive the answers or messages sent him by the intended victims he must have a telegraph operator acting in collusion with him? A. Yes, sir; in regard to the lower offices of the Western Union, I can not say who they had right down there; but I can say we got duplicates of telegrams the first of every month to McNally's house.

Q. From the main office? A. From the main office; so that McNally could look over the duplicates and see if the men got their messages; one writer would steal from another.

By Chairman Lexow:

Q. Do you mean to say they sent from the general office of the Western Union these messages to McNally? A. Duplicates; yes, sir.

Q. And to his address and under his name? A. Yes, sir; it was sent there, but was not his own name.

By Mr. Goff:

Q. Just a little slower; I can not follow you? A. A colored man we had went down and got them once in every month; I can not remember Edwards' first name.

Q. Let us understand that; you say in order to enable the writers to determine whether they got their messages, is that so? A. Yes, sir.

Q. That is, if a number of messages were received by the writers or sent by the writers, the writer wanted to determine whether they were all delivered to him? A. Yes, sir.

Q. And in order to do that you say duplicate messages of all these green goods victims were sent from the main office of the Western Union every month to McNally? A. Yes, sir.

Q. And what was done with them when McNally received them? A. Each writer looked them over and seen all was right and returned them.

Q. To your colored man? A. To our colored man; and he took them down below.

Q. To your office; was there any charge for that? A. There was.

Q. What was the charge? A. Four hundred dollars a month.

Q. Four hundred dollars a month? A. For fully three years.

By Chairman Lexow:

Q. Paid to whom? A. I can not say.

Q. You understand, I presume, that it was paid to the company? A. It was paid to the company; that is why I can not say to whom.

Q. In money checks? A. In money; Jimmy McNally never used checks in New York.

Q. Those messages that the Western Union sent every month were messages sent to all his writers in this city? A. Yes, sir.

Q. And was it not a fact that the writers sometimes accused each other of stealing each other's messages from the victims? A. It was; yes, sir.

Q. Was the delivery of these duplicate messages a system devised in order to prevent one man from stealing? A. Exactly.

Q. As well as to determine that all the messages had been delivered? A. Yes, sir.

Q. You say you remained about four months in Day's saloon? A. Yes, sir.

Q. Where did you reside then? A. One Hundred and Fifteenth street 223.

Q. Where did McNally reside? A. The same house.

Q. You lived with him? A. Yes, sir.

Q. When did you leave Day's saloon, as far as you can remember; when did you leave making it your headquarters; when did you leave Day's saloon? A. About two years ago.

Q. What was the cause of your leaving Day's saloon? A. The same cause as leaving Hawkin's a little trouble in the neighborhood; I think Inspector Conlin was the one that caused the

removal; he gave orders to have the gang removed around there; he went in the saloon there called—I forget the name, Day or Bates, or something like that—and told him not to allow us to go in there; and we used a saloon a little further down; and the inspector saw us and went there and gave orders to get out of that neighborhood altogether; we then went to One Hundred and Forty-second street and Eighth avenue, Streck's saloon.

Q. How did you go to Streck's saloon? A. I think the colored man found that out as being the best place.

Q. Did you hear anything from the police about it being a good and safe place? A. No, not about Streck's place.

Q. One Hundred and Forty-fifth street? A. One Hundred and Forty-second street and Eighth avenue; we had a turning joint in One Hundred and Forty-second street, back of the fish store, another one in One Hundred and Thirty-sixth street, and a sign over it of a pawn shop.

Q. That was one of your turning joints? A. Yes, sir.

Q. All this time the payments were made regularly every month to Wardman Charlton? A. They were.

Q. And always in bills? A. Always in bills.

Q. Now did you ever pay any money yourself or see any money paid to Captain Meakin? A. I had paid Captain Meakin \$100 for one case previous to going to Jersey.

By Senator Bradley:

Q. Yourself? A. Myself.

By Mr. Goff:

Q. Under what circumstances did you go to pay it to him? A. McNally sent me to him and told me to give it to him, and he was to see him that day, and he could not get up there.

Q. Is Captain Meakin in court; please stand up, captain; will you look at that officer in uniform; have you any doubt that was the officer to whom you handed the money? A. I have no doubt whatever.

Q. And that is the officer to whom you saw McNally talk? A. That is the officer who was in citizen's dress the first time.

Q. That is, when he went up there? A. Yes, sir.

Q. And that is the officer you saw in the drug store in company with his wardman meeting Hawkins and McNally to make the arrangements? A. Yes, sir.

Q. I call Charlton his wardman; I may not be correct about that, but we have been calling Charlton the wardman? A. He is.

Q. You saw him several times, did you? A. Saw Meakin or Charlton.

Q. Meakin? A. Yes, sir.

Q. And you have no doubt whatever that is the man? A. No doubt whatever.

Q. State the circumstances that led to the paying or delivering by you of the sum of \$200 for Captain Meakin? A. I do not know, only it was for protection in a way.

Q. Just take your time and state everything that took place? A. We had to get out of Harlem; that was the time word came from headquarters for green goods people to skip out of New York; they gave it to Ryan, Parmerly and McNally; those were the three in each district.

By Senator Saxton:

Q. Who did that word come from? A. From Superintendent Byrnes.

By Mr. Goff:

Q. Those three men were Ed. Parmerly? A. Yes, sir.

Q. Michael Ryan? A. Mike Ryan and Jimmy McNally.

Q. Those were the three principal men; do you know if the city was divided up in any way so that the writers of each man would not interfere with the writers of another? A. Well, of course, they were, yes, sir; each backer had his own district to work in, his own captain; of course, two men in the same district could not go in some other district because each district would be meeting guys, and the district would be swamped with them.

Q. Do you know in what locality Parmerly was established? A. He was in the first ward with big Patsy, I think.

Q. Patsy Hadlick? A. Hadlick, yes, sir.

Q. Do you know in what locality Parmerly was established? A. I do not know; somewhere around Divver's saloon; in the neighborhood.

Q. Somewhere, where? A. Around Divver's saloon.

Q. Did you ever hear this Parmerly go by the name of Jones? A. Yes, sir.

Q. Called by the name of Parmerly Jones? A. I have heard him called that name.

Q. It is the same individual? A. Joe Jones is his brother.

Q. That is his real name—Parmerly Jones? A. Yes, sir.

Q. You have told Senator Saxton that the word came from Superintendent Byrnes? A. Yes, sir

Q. Is Charlton here; just stand where you are; now you looked at this officer yesterday? A. I did.

Q. And you stated you have read something alleged to have been said by Captain Meakin in to-day's paper; I want you to look at that officer again and state if you have any doubt in your mind whatever if that is the man to whom you paid the money?

A. I have no doubt whatever that is the Charlton; I can prove, if I go to extreme measures, by bringing another party that will come to the front with me and that was in the saloon with me, a detective named Dargen or Gargen; that is the man that introduced me in the neighborhood—Pat Gargen; he was in the saloon.

Q. You say it was Pat Gargen that introduced this man in the neighborhood? A. Yes, sir; from all accounts I heard.

Q. You heard that? A. Yes, sir.

Q. Meakin was the captain there? A. Yes; he had just come up there.

Mr. Goff.—We have had evidence, gentlemen, that when a captain goes into a new precinct he is introduced around to his prospective customers. That will do, Charlton.

Q. In the paying of this monthly money to Charlton, do you remember him asking anything about the collection or what it was for, if anything, at any time? A. I don't exactly remember him say anything, no, sir; no.

Q. But there was no doubt about the purpose for which the money was paid to him? A. None whatever; there was no doubt but what he took it and put it in his pocket and knew what it was for.

Q. Was there ever anything said about the number of writers so as to make up the particular amount? A. Not that I can say; I guess that was all understood previously.

Q. Was there any inquiries made as to whether there were more writers or less writers this month than another month?

A. There may have been; if there was any other writers I think Jimmy would tell the captains, for he generally downed a writer if he did not pay up, and in cases where writers had stayed in New York and Jimmie was sick he would send a detective on him and he would have him pinched.

Q. Go slower and repeat what you said? A. I said if the writer would not go to the district where Jimmy was working then, or if he stayed in New York where Jimmy was working in New Jersey and tried to do business without having protection, McNally would send a central officer on him and have him arrested.

Mr. Goff.—May I interrupt the proceedings. I wish to get the record on the proceedings here. We experience some slight, not very great difficulties, in getting the attendance here of certain officers, particularly owing to reason of changes in the departments. The custom has always been here in the city of New York and under rule of the department that when a police officer was required in court, in criminal cases particularly, the subpoena for that officer shall be left at the station-house, that it should not be served on his beat, or in order to save the officers from the trouble and expense of following up a man the subpoenas were left at the station-house for the officers in the precinct. So I wrote last night to Inspector Byrnes reminding him of this rule, and asking him to issue a general order that the same respect and obedience be given to subpoenas of this committee left at the station-house, and I wish to read the following communication: "Office of Superintendent, September 11, 1894. John B. Goff, Esq., Chambers of the Senate Investigating Committee. My Dear Sir.—In compliance with the request contained in your communication, of the 10th instant I would respectfully state that I have instructed my commanding officers of this department to promptly serve the subpoenas to appear before the Senate investigating committee that may be left at their respective stations for members of their command. Very truly yours, Thomas Byrnes, Superintendent of Police."

Q. Now, William, I request for my own sake, particularly, as well as for the Senators, and the reporters here, if you please go a little slower? A. Yes, sir.

Q. Now, will you repeat that matter again about sicking on a certain headquarters detective? A. I say, I know occasions where McNally has had his writers arrested because they would not go in the district he was working in and pay him protection, so he could pay the police the protection, and while he was in Jersey; I know two occasions where the writers here were sicked onto by McNally to be arrested; their workshops and all were given to this one central office man.

Q. The information— **A.** The information was given to him, yes; this central office man, whether him or one or two others went there, made the raid; the man was never convicted or anything for running a green goods joint, but was simply chased out of the city to Jersey, and then McNally came over and started up his workshop.

Q. Did Jimmy insist that all his writers should be in a territory in which he worked? **A.** Yes, sir.

Q. And if the writer went outside of that territory and should escape protection, he put one of the central office detectives upon that writer and had him arrested? **A.** Yes, sir.

Q. So as to compel him to go out of Jimmy's balliwick? **A.** Yes, sir.

Q. Do you know of any particular central officer attached to the central office that Jimmy had that influence with? **A.** Yes, sir.

Q. Who was that officer? **A.** Charles Hanley.

Q. You saw Mr. Hanley on the stand here yesterday? **A.** Yes, sir.

Q. There is no necessity of telling Mr. Hanley to stand up, he stood up here yesterday long enough for you to identify him? **A.** Yes, sir.

Q. Have you any doubt about his identity? **A.** None whatever.

Q. So that in these cases you speak of Hanley was always ready to pounce upon any writer that did not— **A.** Charles Hanley was Jimmy's right-hand man from the central office; any time Jimmy got in trouble, or his men got in trouble, the first man he sent for was Hanley; and Hanley was always sent for.

Q. So that you say that he was his right-hand man? **A.** For that way of speaking; yes, sir.

Q. I understand what you mean; now, in cases where Jimmy needed assistance of help and there was any trouble, was this man from the central office enabled to fix these cases and prevent trouble always? **A.** Always.

Q. Always? **A.** Always.

Q. Can you say now, from your knowledge of the workings of that business, that Hanley represented the central office? **A.** Yes, sir.

Q. The detective bureau? **A.** Yes, sir.

Q. In the dealing with the green goods men? A. Yes, sir cases of a come-back of any kind; in case a man has been swindled who has found the brick in the box before he has left New York; and as a rule he would go to the central office and make a holler; Hanley would always seem to be the detective that would get the man in charge; the man would be brought up town to try and identify the people, which he never could do; then we always got the tip to go away; the man would be brought down town and chased out of town as being a counterfeiter; they would pay \$500 and \$250 would go back to the police; the police claimed half of the deal.

Q. The policeman had to have half of the money he was swindled out of? A. Yes, sir.

Q. That is, when he came back? A. Yes, sir.

Q. The man that discovered the fraud of course came in and made a noise about it? A. Yes, sir.

Q. Were there many of those in your time? A. Well, I know of a few—a dozen.

Q. And do you state that in every instance Detective Hanley was the officer in whose charge the case was given? A. Yes, sir; I do.

Q. Well, can you tell what Hanley would do; give a description of Hanley's methods? A. I will give you a description of one day I know of sure; Hanley came up there with the guy to look around for the steerer; I acted as go-between between Hanley.

Q. You did? A. Yes, sir; I chased the steerer out of the way; they knew what steerer steered the guy, which was I Pender, a man on the island now.

Q. He was the steerer for you? A. Yes; and he almost went into the guy and Hanley; previous to Hanley going up there we knew he was going up with the guy.

Q. You knew Hanley was going up with the guy? A. Yes.

Q. How did you know that? A. It came up from down below; it came up to Day's saloon.

Q. You knew Hanley was coming up with the guy? A. Yes, exactly; the man was brought to Harlem, and it seemed he had been planted in the Harlem saloon; that was the place he went to; the only thing he could do was to take him to the joint on One Hundred and Fifteenth street where he had been swindled and see if Pender was there; in the meantime we were in Day's saloon laughing at him going around Harlem.

Q. I suppose you were looking out of the plate-glass window of his saloon? A. I made \$5 that stake; I made \$5 acting as go-between with Hanley.

Q. Who gave you the \$5? A. Jere Vosburgh, and he charged it **up** to McNally.

Q. That was the old man? A. That was the old man.

Q. Who gave you \$5 and charged it to McNally? A. Yes, sir; Dave Pender ran into the guy at One Hundred and Fifteenth street.

Q. While the guy was in Hanley's company? A. Yes; he ran into the guy in One Hundred and Fifteenth street and had a short conversation with the guy.

Q. And Hanley? A. No, Hanley stood on the corner and Pender walked down with the guy; he walked down with Dave Pender; Hanley and the guy went down town together and that is the last we ever heard of the guy.

Q. Now tell us, if you please, how you came to act as steerer between Hanley, or as a go-between between Hanley and the guy? A. It was through the turners; they told me to go and meet Hanley around One Hundred and Seventeenth street; Hanley had another detective with him and he told me to go down and tell this detective to go up the avenue instead of going down.

Q. They went down after the turners told you to meet Hanley and the guy in One Hundred and Seventeenth street? A. Yes; bring Hanley down there so they could see him.

Q. They wanted a little fun with him, I suppose? A. I don't know.

Q. Did you go and meet Hanley? A. I met Hanley.

Q. Where was Hanley? A. Going through One Hundred and Seventeenth street with the guy.

Q. Going west? A. Going east.

Q. From the elevated railroad? A. Yes, sir.

Q. And the guy was in his company when you met him? A. The guy was in his company; yes, sir.

Q. Do you remember what you said to Hanley? A. Hanley called me and told me to go and tip the other man.

Q. And tip the other detective? A. Yes, sir; that was in front of him, and tell him to come up the avenue; and then Dave Pender ran into the guy.

Q. By misunderstanding and going down the avenue? A. Yes.

Q. There wasn't much harm done by Dave running into the guy? A. There was none done.

By Chairman Lexow:

Q. How was that; explain that; here was a guy that was in search of this man Pender and he finds him; you say in a moment they seemed to settle their matters and go off happy; how did they settle? A. I don't know that the guy went off happy; I say Pender did, and Pender went off again and it seemed to be fixed up, but I don't know how; the guy went off with Hanley and Pender came back again; Pender was not arrested.

Q. Was you present when this occurred. A. I was; yes, sir.

Q. Did you see the guy tell the sergeant to arrest this man? A. No, sir; he did not.

By Senator Saxton:

Q. Did the guy recognize Pender? A. He did, and spoke to him.

By Chairman Lexow:

Q. There is something somewhat strange about that; I can not understand the story? A. The only thing strange is that Hanley told the guy not to arrest him and he would attend to him then; he did not want to make arrest if he is paid for it.

Q. How far were you from them? A. Right on the corner.

Q. Within hearing distance? A. No; not within hearing distance.

By Mr. Goff:

Q. You understand this has been testified to already before this committee, and it may be reasonably assumed from the evidence before the committee that the detective may have told the guy to simply identify this man and he would arrest him afterward, and he was simply a messenger or something of that kind; because evidently the guy was satisfied with the detective's explanation and went away.

By Chairman Lexow:

Q. Did Hanley get one-half of the amount afterward that he was swindled out of? A. One-half of the guy's money went to the police; I can not say who got it, but it was given to Hanley; there was no other money came to headquarters but to Hanley.

Q. You know in this particular case half of the money was given to Hanley for the police? A. Yes, sir.

Q. And you made your entry in the book of it? A. The entry was put in the book; the writer had already received his pay; this come-back was two or three days after the deal; the writer had received his 50 per cent. and he had to give half of that back to McNally and McNally stood the other half to Hanley.

Q. Let us understand by illustration; if the guy had been beaten out of \$1,000 or \$500, we will say, \$250 of that went to McNally, and \$250 to the writer? A. Yes, sir.

Q. Now, the writer having received \$250, when this guy came back two or three days after and made a noise about it, the writer had to come down and give up \$125 of the \$250? A. He reduced his \$125 by the expenses, which left him \$110 back.

Q. And McNally had to give up \$125? A. Yes, sir.

Q. And \$125 went to the police? A. Yes, sir.

Q. What was done with the unfortunate guy? A. He was chased out of town for being a counterfeiter.

By Senator Bradley:

Q. Or threatened with arrest? A. Yes.

By Chairman Lexow:

Q. You mean because he had counterfeit money on his person? A. Well, a guy is a guy, and you can do almost anything with him.

Q. You remember these entries being made in the books you kept? A. I made them myself; I can not remember exactly the dates.

Q. But the entries in reference to this matter? A. Yes, sir.

Q. You remember having made them in the books? A. Yes, sir.

Q. That is another time of your own knowledge that \$250 was paid to Hanley? A. I do.

Q. Did you see it? A. No; he paid it to Hanley on the corner; he called him Pat; I must have gone to Hanley's house with a message to him to come to Jimmy's house.

Q. Do you know that your sister has ever been sent to his house? A. I do know, long ago; that is about Walter Haines; McNally had given Walter Haines a carriage; a light wagon; Walter Haines had stored this light wagon while Jimmy had the livery stable in Forty-fourth street; Jimmy had sent a helper

by the name of Wakeman, down to the storage house and got the carriage out again because he thought Walter Haines had robbed him of his bank roll; Walter Haines goes and gets two detectives, and has this workman arrested that night; my sister comes around to me in a carriage; she forgets Hanley's address; she went upstairs and saw Mrs. Hanley, his wife, and she said it was all right and Hanley was going to see Jimmy that night; Jimmy was then stopping at the Oriental hotel; that was after Appo was on the stand.

Q. That is on Broadway and Thirty-ninth street? A. Thirty-ninth street; yes, sir.

Q. That was after Appo had been on the stand? A. Yes, sir; the day Appo was on the stand Hanley came to Jimmy in person and saw Jimmy at his house in Forty-third street, and told Jimmy if he or my brother was subpoenaed here that all we had to say was, "I don't know; I can't remember;" and "yes;" he told me what to say yes to; that was the day Appo was down in this courthouse on the stand.

By Chairman Lexow:

Q. How do you know that fact? A. I know that fact from my own brother, and Jimmy McNally, and they sent for me that night, and came and told me that if I was subpoenaed what I was to say.

Q. And told you Hanley had been up there? A. Yes; I know Hanley was there.

Q. You say you know Hanley was there? A. Yes; by that.

By Senator Bradley:

Q. They learned you their catechism the same as they got themselves? A. Yes, sir.

By Mr. Goff:

Q. Yes; and Hanley told them what to say yes to? A. Yes.

Q. Will your memory serve you to give us anything which Hanley told you to say yes to? A. No; I can not, Mr. Goff.

Q. Can you give us anything at all in relation to — A. I know they told Jimmy to tell his men they were having no green goods business; and they told Jimmy, when I was down here, to say he was a horseman.

By Chairman Lexow:

Q. A bookmaker, you mean, or something like that? A. Yes, sir.

By Mr. Goff:

Q. You spoke of a man by the name of Wakeman; who was Wakeman? A. Wakeman was a party Jimmy bought some property from in Bridgeport; Wakeman got his head muddled up by Jimmy being a green goods man, and he thought he would make a lot of money in the green goods business, so, when Jimmy was chased out of Bridgeport, and he started business by keeping his horses, he employed Wakeman.

Mr. Goff.—In order to show the relations between McNally and Wakeman, I pick up a little fragment here, as we go along. Letter, dated February 19, 1894, written on the paper of a certain hotel, which, in justice to the proprietor of that hotel, I will not read or mention—it is a respectable hotel. "February 19th, 1894. Dear Jimmie.—After a short consideration of our talk this a. m., there is no other conclusion left for me to arrive at than you do not wish me to have me do anything more for you, or, in other words, you either can not or will not keep your agreement with me. I will do as I agreed to do to-day. I kept my word with parties in Bridgeport, via." (Which means there "instead of) of going up to-day at my own expense, less the fare, but will return to-night, as I can not afford to remain over night at my own expense. If you wish, I will explain further on my return this eve. I will also give your confidential friend, Mr. Wakeman, the keys of office, No. 425 West Seventeenth street, so he will have all keys belonging to it. I will be or try to reach home this p. m., about 8 o'clock. All other business pertaining to farm, icehouse, etc., I will explain more fully on my return home. I will say further that I have done nothing that will injure you in any way, but has surely been of benefit to you. I will not allow anything, so far as I can prevent it, to be done that will in any way injure you until I am relieved entirely of all responsibility. Respectfully yours, John."

Q. Who is John? A. I can not say.

Q. Now, I ask you to look at this letter that I have read, and say if you know from whence that letter has come; or, to put my letter more plainly to you, has that letter come from

the effects of McNally? A. That whole bundle is in McN house.

Q. The whole bundle of papers you hold in your hand Yes, sir; and I put the string around.

Q. You put the string here? A. Yes, sir; I can tell b message there.

Q. Now, speaking of the transaction in relation to the riage, you described how your sister and yourself had v Hanley's house and your sister had told you that Hanley he would come up and see Jimmy that night; do you reme if Hanley went to see Jimmy? A. No; I do not.

Q. Do you remember? A. I know the thing was squ the next day.

Q. How was it squashed? A. That I can not say; J went away shortly afterward.

Q. Well, were there any—you say the whole thing squashed? A. Yes, sir.

Q. How? A. I don't know how it was; I heard the nex it was squashed; I think the carriage was given back to H

Q. Do you remember any occasion when Hanley had an some men at McNally's request? A. He arrested the Walter Haines and Scribner.

Q. What Scribner? A. It seems that Walter Haine Scribner had rigged up a man —

Q. What Scribner? A. The Dan Scribner that ran the wick; the concert-hall called the Pickwick.

By Chairman Lexow:

Q. That was over on the west side? A. Yes; Thirty street, I believe.

Q. Where is he now? A. I don't know; he was seen long ago with Walter Haines; it seems that they had r up a man to pretend he had come from the country, victim, and to get this bank roll of Jimmy's; then they : they rung the wrong box, and, therefore, they got away Jimmy's bank roll.

Q. That is, this Walter and what is his name? A. Scribner, had rigged up between them a guy, or suppos be a guy, to come on here, and to get the money; that is made up between them that they would ring the wron; to get the money from him; that is, the supposed guy; h

say with the box with the right money in it; so Walter Haines tells Jimmy, and he said it was a put-up job, and business is bad; he gets fly and sends for Hanley and Hanley sends my brother for two other detectives to arrest these men.

Q. To arrest Haines and Scribner? A. And Scribner; my brother can not find these other two detectives, and Hanley said, "I will pinch them myself;" and he pinched them; they were kept down below.

Q. Where were they kept down below? A. At headquarters.

By Chairman Lexow:

Q. You mean by pinching, they took them in custody? A. Yes; they took them in custody; that was the last ever heard of them.

By Mr. Goff:

Q. That was the vernacular for arresting; did you hear Hanley say anything to Jimmy about the two men who had been arrested, about keeping them any longer? A. I was not in with Jimmy at that time; Jimmy was stopping at the Oriental; it was just previous to his going to Europe; it was after he came from Bridgeport.

Q. This summer? A. Yes.

Q. After Appo had been on the stand? A. Yes, sir.

Q. Right after Appo had been on the stand? A. Yes.

Q. And these two men had been robbed? A. There was a dozen men robbed after Appo was on the stand in Central park in a carriage.

Q. You have beaten them in Central park? A. Yes, sir.

Q. We will come to that later; Central park will not run away from us; now, I wish to direct your attention back again to the transaction with Captain Meakin, in which you paid him the \$200; just state the circumstances; you have stated it partly; I wish you would state them more fully, whatever they are; now you came to give Meakin the \$200? A. I believe it was an understood thing that Hanley was to be at Jimmy's house for Meakin.

Q. That was after the word came from headquarters for green odds men to go out of New York? A. Yes, sir; that was out three days previous to our going to Jersey.

Q. Proceed? A. In place of McNally going up he gave \$200 in bills.

Q. What did he say to you? A. He told me to take it up Captain Meakin; it was entered on the book as protection; it seems that Meakin had done something for him or some of his men; I can not say whom, in regard to introducing him to some detective in Jersey.

Q. To make him solid over there? A. Yes, sir; now, McNally sent me up with this money; I handed the money to Meakin; he put it in his pocket and that is all I know.

Q. Where did you hand it to him? A. In the station-house he was in citizen's dress at the time; he was just to the left of the desk as you go in.

Q. What did you say when you entered the room? A. I just said "Jimmy sent this up."

Q. And what did the Fantata say? A. All right.

Q. He took the \$200? A. He did.

Q. Where did he put them, so far as you know? A. In his pocket.

Q. Was that the only money you ever paid to Meakin, or ever saw paid to him? A. Well, yes.

Q. Don't you know of any other money being paid to him? A. I know that money every month was paid to him.

Q. Wasn't there — A. Well, yes; I did pay; I paid \$150 at one time.

Q. One hundred and fifty dollars in addition to \$200? Yes, sir.

Q. Was that after you paid the \$200? A. Previous.

Q. Will you tell us the circumstances of how you came pay the \$150? A. Because Jimmy sent it up there the first of the month; I don't know whether it was his own protection, protection for the writers; it was sent for protection.

Q. Will you swear you gave the \$150 into Meakin's hand? A. I do; yes, sir.

Q. In the station-house? A. Yes, sir.

By Chairman Lexow:

Q. In his private room? A. Right off the desk; the sergeant was behind the desk; I don't know who he was.

Q. Did he see the transaction? A. I don't say he did.

Q. Was it in an envelope, or openly? A. It was openly paid; no envelope about it.

Q. So many bills handed over? A. So many bills.

Q. Did you make any attempt to conceal it? A. No, sir.

Q. Did it openly? A. I did it right openly.

Q. Did you attempt to conceal it from the sergeant in making the payment? A. I just went in and met him, and said, "Here's the money Jimmy sent up to him;" whether the sergeant saw me, I didn't care; I thought everything was all right, and apparently everything was all right.

By Mr. Goff:

Q. How many months altogether was you doing business in Meakin's precinct? A. I guess a little over a year, or about year.

Q. During that year, while you were under the kindly and shelterly protection of Captain Meakin, were any of your men rested in that precinct?

By Senator Bradley:

During that year? A. No.

By Mr. Goff:

Q. Everything went on swimmingly? A. Everything went nice and easy.

By Chairman Lexow:

Q. I would like to ask a question, Mr. Goff. You have spoken about Walter Haines and Dan Scribner. Are these men so are well known to the police here as confidence men and confidence operators? A. Dan Scribner is well known to the police as an old-time crook; he is an old-time "gold-brick man."

Q. Do these men travel through the streets of New York in open daylight unmolested by the police of this city? A. Why every day.

By Mr. Goff:

Q. I show you Jimmy's check book; can you say if these checks were ever used in New York? A. Can I?

Q. Yes? A. I can not.

Q. I mean he never used checks here? A. When Jimmy was in New York, and I never was with him, he never used a check after he went to Bridgeport, he made a deposit in some bank.

Q. I hand you a stub check book, and I call your attention here to an entry, number 92, November 6, 1892, "Walter Haines, \$200, stained peas," that is how it is spelled; will you look at that? A. Yes, sir.

Q. Can you tell us any information about that check, or the stub of it, or what it is for, or anything? A. Well, we had so many pass words, that "stained peas" may be a pass word in regard to some of our business; the check book I recognize all right.

Q. That is the Walter Haines you have been testifying to? A. Yes; oh, that is \$200 for stamps.

Q. Now, I show you a stub on the next page, dated December 6th, 1892, "To Scribner, rent, \$80;" can you tell us what that was for? A. I I can not.

Q. Was that the Scribner you have been testifying about? A. That is the same Scribner.

Q. Those checks or stubs of checks are upon the Bridgeport City National Bank? A. Yes, I see that.

Q. So that, as you say, he had no checks until after he went to Bridgeport? A. None that I know of.

By Chairman Lexow:

Q. To what extent did you come in personal contact with Dan Scribner? A. What extent did I?

Q. Yes? A. When I came in business —

Q. Did you see him every day? A. Yes, sir; I seen him regular.

Q. And for long? A. For a year or two years, I think.

Q. And during all that time you have seen him daily around? A. Seen him around, yes, sir.

Q. Is he the same man connected with swindling farmers around the country with gold bricks? A. Yes, sir.

Q. And against whom any quantity of indictments have been pending? A. So I understand.

Q. And requisitions have been issued from governors of different States against him? A. That is what I understand.

Q. Do you know whether or not this Detective Hanley ever had any requisitions in his hand for service against Dan Scribner? A. I can't say that.

Q. Was Walter Haines one of the same crowd? A. Walter Haines was not one of the gold brick crowd; he met Scribner here; he came from Canada; he has done a great deal of business out of the State, but never any business here until connected with Jimmy.

Q. Do you know of any others connected with the so-called gold brick crowd? A. Working with Jimmy?

Q. Yes? A. None I can say of.

Q. Any of the associates of this man Scribner? A. No; none that I can say; that was outside; I only know Scribner by that reputation around the joint; it is pretty well known what a man's pedigree is.

Q. That is the general reputation, however, that men of that character give the police, is it, that they can operate as long as they do not operate in this city; that they can remain in this city with impunity, free of arrest? A. Sir?

Q. These confidence men that ply their trade throughout the country, as long as they do not ply their trade in the city, they can remain in the city without being arrested; is that the general reputation the police have among your people? A. Yes, sir.

Q. Is that the way you people engaged in that kind of business, talked together about the police, that they are perfectly safe from them? A. Yes; that is about it.

Q. And can walk the streets and snap your fingers at the victim? A. Yes, sir.

By Mr. Goff:

Q. And is it not also the understood thing among the men engaged in that business, and every crooked business you have any knowledge of, that the police here in New York give that protection, no matter what they may do, as long as they did not commit the crime against New York city people? A. So understand.

Q. They can fleece anyone that comes from the country, but they must not fleece New Yorkers? A. Why, of course, that to save themselves; a New York man can find his way back again; a victim from the country is taken to a joint, and never can find his way there; I take a man through on the Greenleaf car and take him to a joint.

Q. The idea, then, of the steerer is to pursue — A. To try to lose them.

Q. To pursue a crooked path? A. Yes.

Q. And when the police hear of a common guy, what sort of path do the police pursue with a "come-back?" A. They, of course, leave them on a crooked path, but bring them up on a straight path.

Q. Did you ever hear of a man of the name of Moran in connection with the business, or in connection with Jimmy? A. Moran?

Q. Yes? A. I don't know that name.

Q. Now, here is a letter of nine pages, signed in the same handwriting as that letter that was signed by "John?" A. Yes, sir.

Q. That refers to Scribner, or to Wakeman, rather; now this letter is signed "with best wishes from us both; John and Sue; " it looks like, "Mana" or "Manna;" let us see if you can help me in that? A. Is this in regard to Wakman?

Q. No; this is another letter in the same handwriting as the one referring to Wakeman? A. I can not tell you; that might have been some Bridgeport people I do not know.

Q. It is dated New York, February 4, 1894? A. I don't know them.

Q. In this letter a reference is made; he says, writing to Jimmy, "but I hope to have that satisfactory always; before I have been allowed the satisfaction of knowing the cause, if anything, or the reasons for dissatisfaction; one more thing in regard to the borrowed amount; you say in your letter to me, that you thought I overstepped my authority, or overstepped it in doing as I did; I will give you my views in the matter, first. When you gave me the money for Moran, you said, that was blood money, and unless your business picked up in the near future, you did not know what you would do later; you said to me also to see what things surely must come right"—"that thing surely must come right; only a little time was required, and so the old man started off home and would not go till he had money, and I knew I could get it from some one else." Does the reading of the passage from the letter that I have just read refresh your recollection any about what the money was for? A. No, sir; I can not say at all.

Q. Did you ever hear of a detective called Moran? A. I think I did, Mr. Goff; I can not place that detective; I heard of a detective named Moran in some down town precinct.

Q. It has been testified to here before this committee that there was a Detective Moran under Captain Murphy in the Mul-

erry street station, and that when Harry Hill got into trouble with Captain Murphy, Moran resigned; does that quicken your memory any? A. No, sir; it does not; I can not say.

Q. Now, William, I hand you some slips of paper here; do you recognize those slips of paper? A. Some of McNally's effects, yes, sir.

Q. Some of McNally's effects, some of his papers? A. Yes, sir.

Q. I read from one slip "policeman, salary \$12, received payment, Thomas J. Cunningham?" A. That is Bridgeport.

Q. Bridgeport police? A. Yes, sir.

Q. Another slip, "Mr. Cunningham, salary, \$12, signed, Thomas J. Cunningham;" Mr. Cunningham, another slip, "Salary, \$12, James J. Cunningham;" another slip, "Salary, \$12, James J. Cunningham?" A. I think, as a rule, the Bridgeport police signed receipts for their money.

Q. They ought to take a leaf out of the book of our police, and they would not do any such thing as that; we, down here, William, we do business on a cash basis, no receipts; now, I read a note from the same lot of papers, dated Bridgeport, March 14, 1894. "J. W. McNally, Dear Sir.—I have taken care of your music hall for the last nine weeks, so it is near time to have a settlement; I would say \$2 per day ought to be satisfactory to you, which would amount to date to \$126; by remitting the same balance, you will confer a favor, as I am very much in need of money. Very truly yours, Thomas J. Cunningham." Now, William, we would invite your attention to Jersey, for a moment; after you paid the \$200 to Captain Meakin, prior to your going to Jersey, you said it was understood that Captain Meakin had said a good word, or made some arrangement? A. I didn't say that; I say I think it was through him, or some of his people.

By Chairman Lexow:

Q. What? A. That had introduced Jimmy to some detective in Jersey.

By Mr. Goff:

Q. You remember that detective's name in Jersey? A. No; do not.

Q. What? A. No, sir.

By Chairman Lexow:

Q. Connected with the police of Jersey City? A. Yes, sir.

Q. Of Jersey City? A. Yes, sir.

Q. Did you ever hear the name of Morris? A. Morris; that is the detective at the Pennsylvania depot, Jersey City.

Q. Do you know if he is a member of the police department of Jersey, or is he in the employ of the railroad? A. Pat Morris is a man we had "right," so we could bring our men through Jersey City when we were working any victim; we also had him "right" when we were working in Jersey; the idea of getting a detective "right" at the depot, is so that in case the guy breaks open the box there, the detective at the depot will arrest the guy there, and run him up and scare him out of town.

By Chairman Lexow:

Q. On the ground that he has got counterfeit money in his possession? A. Yes, sir; and chases him out of town; and the detective is supposed to look after the guy in case he is to look after the same; the same at Forty-second street depot.

By Senator Bradley:

Q. Have you one up there at Forty-second street? A. Yes; we had one up there.

By Mr. Goetz:

Q. About this Jersey City man; do you know if he is the detective or officer of the Jersey police, or is he in the employ of the Pennsylvania Railroad Company? A. I think he belongs to the Jersey City police; I think he is stationed there from headquarters in Jersey City.

Q. Who was your man there? A. Just Pat Morris.

Q. Now, I hand you a telegram from this bundle of papers; you tied up so artistically, dated at Jersey City, N. J., dated October 2, 1893, Western Union blank: "To J. F. Morris, 41 Sea View Avenue;" who is J. F. Morris? A. That is McNally, the name he went by in Sea View.

Q. And McNally went by the name of Morris? A. Yes, sir.

Q. I read, "I will be at 135 Sussex street, near post-office, all day, come there, don't fail; Peter Morris;" is that the detective

you have mentioned? A. That is the detective, I guess; yes, sir; that is about it.

Q. Now, had you any connections there with any other detective or police officer besides Peter Morris? A. Yes, sir.

Q. What was his name? A. Dalton.

Q. Billy Dalton; what is he; a detective? A. He is down at headquarters in Jersey.

Q. He is a headquarters man in Jersey? A. Yes, sir.

Q. He is attached to the police headquarters in Jersey? A. Yes, sir.

Q. Now, after you went over to Jersey, will you tell us how the business was conducted over there? A. Well, the first day we went there we rigged up a joint in Tenth street, Jersey; there was a park near there that we located the victims in; that is, we had the steerers take them there, and they were taken to Tenth street, and after we were there a day or two, we hired a little place in Tenth street near Montgomery, and we started an office, and the steerers would plant his man in the neighborhood, and would come around to the office and let us know he was in town with the victim, and when his turn came, Walter Haines would go around to the saloon and meet him and bring him over to the joint; we had joints all over in Jersey City.

Q. Well, William, proceed? A. Well, I say we had joints all through Jersey up-town and down-town --- Hoboken; and we had pretty good protection over there.

Q. You were not interfered with in Jersey? A. No, sir.

Q. How long did you remain in Jersey? A. Oh, six or seven months I guess, until Comstock made a raid over there.

Q. While you remained in Jersey, did you pay police protection there? A. Yes, sir; post-office protection.

Q. Post-office protection; now, let us deal with the police first; what was the rate you paid the police there? A. Well, I think Dalton got \$35 or \$40 a month from Jimmy; Peter Morris got, I think it was \$25.

Q. Billy Dalton got how much? A. I say Billy Dalton got \$35 or \$40, and Peter Morris got \$25 at the depot.

Q. You did not pay as much in Jersey as in New York? A. No.

Q. Rates are lower there; you say you were raided in Jersey by Comstock? A. Who did you say, raided by?

Q. Comstock? A. I think it was through somebody in the post-office; he knew these people at the post-office right, and he

was not getting a bit out of it; he got a little sore, and reported the case to Comstock, saying we had the post-office right, and this man from the post-office, with Comstock, and with some detectives came there and identified three of them as mailing the stuff there; Comstock arrested three and took them before Judge Whitehart, and the thing was fixed up.

Q. There was no convictions? A. No convictions whatever.

Q. That case was fixed up? A. Then we left Jersey and came to New York.

Q. You say the post-office was fixed up? A. All I understand Jimmy went up there and got the post-office right, I suppose from the manager there, to let us mail letters there; the letters, unless we got the county on to them, would be sent back to the writers.

Q. Was that done frequently? A. Yes, sir.

By Chairman Lexow:

Q. Forgot to put what on the letters? A. The county.

By Mr. Goff:

Q. Where they had forgotten to put the county on, the post-office people sent back the letters to have the address completed; was there anything on the envelopes so addressed to show where they should be returned to in case they failed to be delivered? A. Sir?

Q. Was there any printed address "return to" on the envelopes sent out by McNally? A. No; they could tell the envelopes; they all came in boxes of 5,000 at a time, and they sent to headquarters in Tenth street; there was no certain mark on it; no, sir.

By Chairman Lexow:

Q. You were careful not to have any mark on those letters, I imagine? A. Yes, the only mark we had on the letter was a number.

Q. I show you a number with a printed address upon it; I don't want to read the address; did the envelopes which you mailed to them have a printed address on them? A. Never.

Q. So the post-office authorities could send them back again, in case they were not delivered? A. Never.

Q. Did the post-office people know where to send the envelopes back again? A. As I said, our own man that sent them there, 5,000 at a time, in boxes, and they could easily —

Q. And were they all the same? A. They were all white envelopes with blue inside.

By Chairman Lexow:

Q. All looked the same? A. Yes, and they could always tell by the stamp being put on just to show the number; we put the two cent stamp over one number, so one number would be visible.

Q. Then you would have a corresponding number in the book that was kept? A. Yes, sir; that is how we knew the man, by the numbers.

By Mr. Goff:

Q. You know whether there was any money paid to any man in the post-office for that service? A. Only from what I heard.

By Chairman Lexow:

Q. What did your books show; you kept the books, you said?

A. The books showed from \$400 to \$800 in the post-office in Jersey City.

Q. For stamps? A. No, only for envelopes; they gave so much a thousand that they mailed.

Q. That in addition to the usual postage they paid so much per thousand envelopes that you mailed in the post-office?

A. We had to give each man so much; some of them had to stay late at night to get them out; I have seen \$800.

Q. In what space of time? A. In a month.

Q. Did this include the return of these envelopes that had not been properly addressed? A. It included everything; yes, sir.

Q. What other facilities did the post-office give you besides that? A. Sending the envelopes back?

Q. Yes? A. Mailing green goods envelopes there.

Q. Anything else? A. As I say, keeping the men a little late some nights, getting through; some days we put in 15,000 there at a trip.

Q. And there is no doubt that these post-office officials or employees knew just what was the contents of those envelopes?

A. Undoubtedly so; yes, sir.

By Chairman Lexow:

Q. Did you have any similar understanding or arrangement with the post-office in this city, while you were operating here?

A. None that I know of; I think this Hallock had something to do with it, a party named Hallock.

Q. Was that rumor, or gossip, or did you know it yourself?

A. I did not know it for certain.

Q. Where did you purchase your stamps? A. The stamps were purchased at a pawnbroker's on Grand street — not a pawnbroker's, but a money broker's office on Grand street; we gave him two cents on \$1 for a bank-roll; we had to have new bank-roll every month.

Q. That is, changed the money every month? A. Yes, sir; to get new money.

Q. Two cents on the dollar? A. Yes, sir.

Q. That is an increase of two per cent.? A. Yes, sir.

Q. Did these persons from whom you bought the money know the use to which it was going to be put? A. The man who was selling it knew McNally's business; I guess he must have known the use.

By Mr. Goff:

Q. Have you told us all of the matters occurring to your recollection now, touching your stay in Jersey? A. Yes, sir.

Q. Well — A. I will tell you one thing about Jersey; we never had a "come back" over there where we had to give any money to the police.

Q. They did not claim half the money over there, did they? A. No, sir; they were satisfied.

Q. Well, of course, Jersey is a foreign State; we don't wonder at them, they are behind the age; how did you know you could come back to New York with any safety? A. Sir?

Q. How did you know you could come back to New York with any safety; I am speaking to you now including the whole year?

A. Including — Jimmy and Mr. Hanley, I think they made it up, that they fixed it up so everything was square so we could come back all right.

Q. Did you go back? A. Yes; we all came back.

By Chairman Lexow:

Q. Did these gangs travel together — the writers, together with the others? A. No; they did not.

Q. In other words, when you transferred your activity to Jersey City, did you take all these writers and all the paraphernalia and everything else, the whole business over there?

A. Yes, sir; we moved them over there.

Q. And when you came back you all came at one time back to the city? **A.** Yes, sir.

Q. Because it was understood you were going to be protected? **A.** We didn't come back in a bunch.

Q. I mean you all came back about the same time? **A.** Yes,

Q. And came back because you understood things had been fixed, and you were going to be protected? **A.** Yes, sir.

Q. The fact is, in other words, that the people in your business would not attempt to do business of that kind in this city unless they had the assurance that they were going to be protected by the police? **A.** Yes, sir.

Q. And the moment they get news that protection is going to cease, that moment they transfer themselves to other places?

A. They go out of the city; yes, sir.

By Mr. Goff:

Q. Now, you say you understood everything was all right; will you state to the committee how it was that you understood that everything was all right when Hanley was only a common detective sergeant? **A.** When I speak of Hanley, I speak of all headquarters; Hanley done business of Jimmy for headquarters; anything Hanley said we were protected by headquarters; he acted for everybody down there as regards Jimmy.

Q. You recognize Hanley as the representative of the police headquarters in this city? **A.** Yes, sir.

Q. And anything he said you relied upon as coming from headquarters? **A.** Yes, sir.

By Senator O'Connor:

Q. What do you mean by headquarters? **A.** The popular understanding is the detective bureau.

Q. Whose charge is it under?

Mr. Goff.—It is in charge of Inspector McLaughlin and before he had charge it was under Superintendent Byrnes, who is now superintendent.

Senator O'Connor.—Has Superintendent Byrnes control ~~==~~
McLaughlin?

Mr. Goff.—Superintendent Byrnes has control of Inspector ~~—~~
McLaughlin, and all the officers under him, of course.

By Mr. Goff:

Q. Where did you go to in New York on your return? A. ~~—~~
The first headquarters was made in Thirty-eighth street and ~~—~~
Seventh avenue.

Q. The first place, you say; the first place was where? A. ~~—~~
Thirty-eighth street and Seventh avenue.

Q. Thirty-eighth street and Seventh avenue? A. Yes, sir.

Q. Where did you start in? A. William Roach's saloon.

Q. What corner? A. On the northwest corner.

Q. Had you any trouble with the police there? A. Jimmy ~~—~~
and I hired a flat up stairs; that is, Mrs. McNally and I got a ~~—~~
flat up stairs, and had some furniture put there, and started
to live there; the second day I was there, about the second I
was there—I think Captain Price had just been made captain
of the Thirty-seventh street station-house.

Q. That is the Twentieth precinct? A. Yes, sir; now,
whether any arrangement had been made with Price I could not
say at that time; the next afternoon between 2 and 4, I was sent
to the station-house with a hundred dollars for Price, which I
handed to him in his private office in the station-house; he told
me when I handed him the money, he said, "Tell Jimmy I will
see him later;" in regard to seeing us later, we sent him no
more money after that, and we met in Roach's; but I think word
came from headquarters that we would not start any joints in
New York; and therefore we put our victims in cabs or car-
riages in Central park; the reason we had carriages was, it
would not make any rattle, or make any noise.

Q. In relation to Captain Price you say you handed him \$100?
A. Yes, sir.

Q. In the station-house? A. In the station-house.

Q. In bills? A. In bills.

Q. Do you know the captain? A. Sir?

Q. Do you know him? A. I asked for him.

Q. Who did you ask? A. The sergeant.

Q. What did you say to the sergeant? A. I asked him if
Captain Price was in; he said, he is in his office, and I walked

in and said, "Here is \$100, Jimmy sent you;" and he said, "All right."

Q. You didn't say anything but "here is the \$100 Jimmy sent you?" A. That is all I said.

Q. Did you say anything about any business outside of what you state? A. I didn't mention anything; I said, "Here is the \$100 Jimmy sent you;" and he said, "All right; I will see you later."

Q. Have you any doubts whatever about Captain Price's identity? A. To identify Captain Price?

Q. Yes? A. Yes.

Q. Did you see him in court this morning? A. No, sir.

Q. I say you have no doubt Captain Price was the man to whom you gave the money? A. Yes, sir.

Q. You know him well, do you? A. Yes, sir.

Mr. Goff.—It is but just to say that before the witness came into court this morning Captain Price was in court here, and he told me that he had a very important criminal case on trial to-day—a murder case—on which he was a witness, or the prosecuting officer, as it was, and that his presence was absolutely needed there; and under the circumstances, I excused him from being present. However, we will show by the witness that he knows the captain in other relations.

Q. Now, how long did you continue at Thirty-seventh street and Broadway, at Roach's? A. Oh, we continued at Roach's for four or five months.

Senator Bradley.—Did you fix the year, Mr. Goff?

Mr. Goff.—Oh, yes.

The Witness.—Eighteen hundred and ninety-three; about January, 1893.

Q. Well, here is a telegram selected from McNally's papers, dated March 3, 1894, directed to J. Dubue Morris, Roach's saloon, Thirty-eighth street and Eighth avenue? A. Seventh avenue.

Q. Seventh avenue, yes; "Hope you get well soon; breakers ahead; Rex;" do you know any person communicating with him under the name of Rex? A. I suppose some fictitious name; no, sir; I don't know it.

Q. It is dated 1894; how did the telegram come to be addressed to Roach's saloon in 1894? A. Well, Roach receives all his messages yet.

Q. He makes a sort of general headquarters at Roach's?
A. I think he cashed some of Jimmy's checks for him from Bridgeport.

Q. Do you know anything about Roach; was he ever connected with the green goods business? A. Well, Roach had kept the bank-roll several nights for Jimmy; we held out in his office, and had a special office there for us people, although we never "done" a victim in his place.

Q. You have been in Roach's saloon very frequently, haven't you? A. Very frequently, yes, sir.

Q. Have you noticed the art gallery there? A. Well, yes; that was put up there more to please Jimmy; Jimmy was a pretty good spender around in Roach's place, and so Roach had a very great painter there, and he got this painter to take some money together, some new bills of Jimmy's, some of the bank-roll money, and this painter took it and copied it off; his saloon now is full of pictures of gold money, and all sorts of money and represents one of our joints in fact.

Q. And wasn't it designed that these paintings should be hung up in the saloon in order to affect the guys when they came in?

A. Yes; when the guys came in we showed them all that.

Q. It excited the imagination of the forthcoming riches they had? A. Yes.

Q. And that was the real purpose for the oil paintings? A. Yes, sir; we didn't have the brick painted there; just the money.

Q. Have you ever been in there when the guy was brought in to be operated? A. Yes; several times.

Q. And have you ever heard this money referred to? A. Always.

Q. Or any reference made? A. Always.

Q. How was the reference made? A. Well, in regard to the way our money is won; I can not explain that.

Q. Did you ever hear it said, for instance, in substance, here is what you will get in reality, "referring to the painting?" A. Yes; each steerer has his own way in telling the guy.

Q. You had heard reference made to these paintings? A. Yes, sir.

Q. To the guy to excite his imagination? A. Yes, sir.

Q. That this was a sample, a representation of what would come to him in reality? A. Yes, sir.

Q. How long is it ago since you were in Roach's? A. Only about three weeks.

Q. Were the paintings there at that time? A. Yes, sir.

Q. Now, you said something about the cabs; what about the cabs? A. It seems Mr. Hanley told Mr. McNally they could start no joints in New York.

Q. After their return from New Jersey? A. Yes; of course we wanted to beat our victim some way, so through McNally's wisdom he got it to beat them in a cab, or it was an old time way, and so Jimmy had his victim in his private carriage.

Q. With his private coachman? A. Yes; he hired this coachman, and told him he would give him \$5 a day.

Q. Five dollars a day? A. Yes; to drive that cab around in the park, and McNally was to go on the stoop with the coachman and the steerer and Walter Haines would go in the carriage with the guy.

Q. After the guy was brought to Roach's saloon, was he then taken in this carriage? A. No, sir; not right away; the guy was interviewed by Walter Haines.

Q. Yes? A. Then he was taken up in Fortieth street.

Q. Was it a private carriage? A. Yes; a private carriage.

Q. The coachman in livery? A. Yes; a blue coachman, not the fancy livery that McNally goes out generally with.

Q. But McNally had his livery? A. Yes.

Q. And his coachman always in driving him put on his livery? A. Yes, sir.

Q. Do you know if McNally had a coat-of-arms? A. A what?

Q. Do you know if McNally had a coat-of-arms? A. No, sir.

Q. Do you know what a monogram is? A. A monogram?

Q. Yes? A. J. W. M.

Q. Was the monogram on the panel of the carriage? A. No, I don't think it was.

Q. Does it bear any device or picture on the panel of the carriage? A. No, sir; I think the name was on the harness and on the coachman's buttons; I know it was.

Q. The initials you say — the monogram? A. Yes, sir.

Q. Now, proceed and describe the operations of the carriage? A. Well, previous to the steerer and the guy coming to the carriage, there would be a satchel put there, a little red satchel.

By Chairman Lexow:

Q. In the carriage? A. In the carriage, with a brick and paper in it; there would also be two or three satchels without anything in it on the seat of the carriage; Walter Haines would

get in with the guy; Walter Haines would have the money in the bag, the bank-roll; and he would put the money in the satchel, a duplicate satchel to the one that had the brick in it; he would put the money in the satchel, and after the guy had paid Haines his money so — we never received theirs before we gave them ours, and after he made the deal and everything was all right, Haines would say I will go to the depot, and the steerer would grab the satchel and run out and Walter Haines would slip the money in the cab and Haines would say the steerer will go with you and he would go away with the steerer.

Q. Could you state, or approximate, the number of men that were beaten in Central park that day, that were "struck" in Central park that one day? A. In one day? I think it would be hard to count.

Q. Do you remember any particular number of men that were "struck" in one day? A. I should judge four or five.

Q. Four or five in one day? A. Yes, sir.

Q. Right in Central park? A. Yes, sir.

By Chairman Lexow:

Q. Did any of them squeal? A. Come back?

Q. No, at the time; did any of them raise a disturbance? A. No; there wasn't any holler made.

Q. Or claim? A. No, sir.

Q. Were there no cases in which they discovered the fraud until after they had made this escape? A. Sir?

Q. Were any cases in which they discovered the fraud before they left the State? A. No, we worked kind of snug; when we were working the carriage racket, we worked a little on the snug.

Q. What is that? A. We did not have the protection we ought to have had, and the steerer then would have to go with the guy and keep the satchel and see the guy on the train, and after he got on the train, he didn't care a darn where he went.

By Mr. Goff:

Q. And he did not have the facilities as in the turning joint? A. No, sir; we would not give him the satchel until he got on the train, and would say we will give you this at the proper time and place.

By Chairman Lexow:

Q. That is previous to the train starting? A. Yes, sir.

By Mr. Goff:

Q. Weren't you in the habit of giving to the guy keys? A. No; we generally threw the key away and told him to cut it open; not with the satchel; with the box we gave him keys.

Q. Was there any design in giving the keys with the box? A. We never gave him the key that fitted the box.

Q. So when they got on the railroad — A. When a guy gets a box like that there will be some combination on it and he will get the wrong key, and he don't know how to get out of it.

Q. And you always made sure to give him a key that would not open the box? A. Yes, sir; the reason of that is that we gave him a key that fits the box with the money in, and that would not fix the box that had the brick in it.

Q. I ask you to step back in the narrative of your testimony; there was a man I did not know was in court at the time; is Mr. Humphreys here; will you look at that man Humphreys? A. Yes.

Q. Do you know him? A. Yes, sir.

Q. Who is he? A. Well, from what I hear, he is a detective of the Central road.

Q. The New York Central? A. Yes, sir.

Q. Do you know on what part of the line his duty calls him, or that he is assigned to? A. Only from what I hear — Poughkeepsie to New York.

Q. Running from Poughkeepsie to New York? A. Yes, sir.

Q. Do you know where he resides? A. No, sir.

Q. Has he had ever any connection with the green goods men? A. None that I can say.

Q. Now, let us see; you recognize that Humphreys is a pretty good fellow? A. I don't know; I have been on that road and seen him pointed out as chief of police, and heard he was a detective on that road; I don't know anything about Mr. Humphreys.

Q. You don't want to implicate Mr. Humphreys? A. That is not the idea; I can not say anything about it.

Q. You said you had the man fixed at the Grand Central depot? A. Yes, sir.

Q. Was this a regular police detective? **A.** Yes, sir.

Q. I want to ask you if there is not an understanding between the green goods men and the detectives with regard to handling "come backs?" **A.** Not to my knowledge.

Q. Didn't you hear it; don't you know it? **A.** No, sir.

Q. Don't you know it was part of their system? **A.** Now, I am candid, sir; I do not know.

Q. Don't you know it is part of the system on some of the railroads running into New York, that some of the railroad officials knew about the business of the green goods steerers? **A.** They may, yes, sir.

Q. Don't you know that it is understood that you could not get them along without the knowledge of the railroad officials?

A. I do; yes, sir; I know on the principal lines —

Q. And which are your principal lines to bring your guys on here? **A.** Well, on the Central road from Poughkeepsie, and the Pennsylvania road from Elizabeth; at times we use the West Shore road.

Q. The place where you first meet your guys, where you send on your steerer to bring your guys, on the Pennsylvania road, is Elizabeth? **A.** Yes, sir.

Q. And what hotel there, do they put up at? **A.** Ryan's hotel.

Q. The place where you meet your guys who come on the New York Central is at Poughkeepsie? **A.** Yes, sir.

Q. What hotel do they put up at there? **A.** New York hotel.

Q. Are there not some persons running on the train between Poughkeepsie and New York, who are aware of the guys being brought from Poughkeepsie to New York? **A.** There may be.

Q. Now, don't you know, as a matter of fact, Mr. Applegate, that this Mr. Humphreys was recognized by the green goods men as in their interest? **A.** I don't know, Mr. Goff.

Q. Did you ever hear of it? **A.** No, sir.

Q. Did you ever hear his name mentioned? **A.** No, sir; I have heard his name mentioned, yes.

Q. Did you ever hear his name mentioned in connection with the working of the green goods business? **A.** No; I did not.

Q. Are you acquainted with him? **A.** Somewhat.

Q. How did you become acquainted with him? **A.** Just simply by getting off at the station and having people point him out to me; they knew what my business was.

Q. You were on speaking terms with him? **A.** I was.

Q. How did you come to get on speaking terms with him? A. Well just being in the New York hotel; it is a country hotel there, and he was pointed out to me and we had a drink there.

By Senator Bradley:

Q. Had a drink once in a while? A. I asked him to drink on one or two occasions.

Q. You drank together? A. He did not know my business.

Q. Just a friendly drink? A. Yes, sir.

By Mr. Goff:

Q. Do you remember any person ever introducing you to Mr. Humphreys? A. No, sir.

Q. Well, what I want to know is, how did you come to be personally acquainted with him? A. Just meeting him in this New York hotel.

Q. Do you remember the first thing that occurred when you formed his acquaintance? A. Do I remember?

Q. Yes? A. We had a drink together.

Q. Did you invite him or did he invite you? A. I invited him; he was standing around the place, and knew the proprietor.

Q. Did you know before that, he was a railroad detective? A. I heard so.

Q. Why did you invite him? A. I asked him and the proprietor to have a drink.

Q. Were you working for a guy there that day? A. I was waiting for one to come there.

Q. Did this detective see the guy with you afterward? A. No, sir; we never let anybody in that hotel see the guy with us; we went to the room and told the guy to follow us and take his seat, three seats back of us on the train.

Q. Did you see the detective afterward, this detective Humphreys? A. Yes, sir; I have.

Q. In this same hotel? A. Yes, sir; and about the hotel.

Q. And you had drinks with him afterward? A. No; I can not say that.

Q. That the only time you had a drink with him? A. That is the only time I remember.

Q. You spoke with him afterward? A. Just said, "how do you do."

Q. Did you ever see him on the railroad? A. I have.

Q. Did you have a guy in company with you when you were on the train? A. I never had a guy in company with me when I went down but he would sit three seats behind me.

Q. You saw him more than once? A. I saw him on different occasions; yes, sir.

Q. You bid him the time of the day on the train, when you would see him? A. I would simply nod.

Q. He was not in uniform? A. Never.

Q. Not in railroad uniform? A. Never.

Q. Well, what did he appear to be doing? A. He seemed to be walking about the train.

Q. And on each of those occasions he bowed to you? A. Yes, sir.

Q. Or you to him? A. Yes, sir.

Q. And you had the guy in view all this time? A. Well, he would follow us.

Q. This detective never interfered in any way? A. No, sir.

Q. Never asked you any questions? A. I can not say that Mr. Humphreys knew the man was a guy.

Q. I am not asking you that? A. He never did.

Q. Did you ever hear him speak and look at the guy and ask him questions? A. No, he never did.

Q. That was very frequent that he saw you on the train, was it not? A. Yes, sir.

Q. And he frequently saw you get off at the Forty-second street depot? A. I suppose so.

Q. With the guy ahead of you? A. Yes, sir.

Q. He never asked what your business was? A. He never did; no, sir.

Q. He never seemed to inquire anything at all about you? A. No, sir.

Q. And there were other steerers, wasn't there, who went up that road and did the same as he did? A. Yes.

Q. And none of them ever complained of any interference on the part of Humphreys? A. No, sir.

Q. They all knew he was the railroad detective? A. I can not say.

Q. You heard his name mentioned? A. I did.

Q. You heard him mentioned as being the detective of the railroad? A. Yes, sir.

Q. How did you come to hear his name mentioned? A. I do not know, I just heard them say you look out for him; they kept

away from him on the railroad; they haved asked me, "Have you ever seen Humphreys, the chief detective, going up there; I said yes, and they said, "You look out for him."

Q. You took particular pains to keep out of his way? A. No, sir.

Q. What did you take the meaning of the words, "You will have to look out for him"? A. I did not take any meaning.

Q. Did you take the meaning when they said you had better look out for him to mean a friendly warning? A. The way I took that statement was that he was wrong; that they did not have it right; that he would pinch them if he knew what they were riding on the train for.

Q. You never took occasion to keep out of his way but pursued the even tenor of your course? A. No, sir.

Q. You never put a guy away? A. I simply went in the train, and told him in his room to sit two or three seats behind me.

Q. You never was afraid of Humphreys? A. No, sir; I never was.

Q. Notwithstanding what the other steerers said to look out for him? A. No, sir; I was not afraid of him.

By Senator O'Connor:

Q. Do the green goods men make it a custom to find out who the detectives are to find out who have charge of the railroad that approach the city? A. Always, yes.

Q. They prepare themselves so they know who the detective is? A. Yes, sir.

Q. Do you know whether Humphreys knew that you were a green goods man? A. I don't think he did.

Q. How long have you been in this crooked business? A. In the green goods business, about three years.

Q. Are you recognized generally as a crook? A. No, sir.

Q. Know anything at all about Humphreys; if you do, tell it? A. I don't know, Senator, and if I knew anything about it I would say it.

Q. You would convey the idea that you don't know? A. I don't know anything I could speak about Mr. Humphreys; there is no reason why I should stick up for him; if I knew anything I would tell it; I don't know anything; that is the truth.

Q. What explanation have you of the fact that you were constantly traveling between Poughkeepsie and New York with these men and there was no interference on his part? A. There

is a lot of countrymen going on the road, and Humphreys might not know they were going from Poughkeepsie and that I came from there too; that is my explanation.

By Mr. Goff:

Q. You say in your testimony that there was a detective at the Forty-second street depot; when you said that you did not mean Humphreys? A. No, sir; I did not.

Q. Whom did you mean? A. I meant at the depot; a man of the name of McArdle.

Q. Is Officer McArdle in court now; can you see him? A. That is him, sir; I can see him, all right.

Q. Is that the man? A. Yes, sir; that is him.

Q. Officer, what is your Christian name? A. Henry McArdle.

Q. What precinct are you attached to now? A. The 27th.

Q. Is that a subprecinct? A. Yes.

Senator O'Connor.—Do you expect to bring more incriminating evidence against Mr. Humphreys?

Mr. Goff.—Mr. Humphreys may go.

Senator O'Connor.—The only point here is, you may do some honest man an injustice. We are just as anxious not to inculpate an innocent man as to catch a guilty one.

Chairman Lexow.—As I understand there is absolutely no evidence on the record regarding any criminal connection by Mr. Humphreys in this case.

Mr. Humphreys.—I want to state I am simply an officer of a corporation. I am not connected with the police department. I haven't any authority to arrest a green goods man on the train.

Chairman Lexow.—There is nothing against you in the evidence here, Mr. Humphreys.

Mr. Goff.—That is how the matter came up about this railroad detective. We wish, of course, gentlemen, in every step of the testimony we take to support by corroborating circumstances as much as we possibly can where the proof is susceptible of corroborative testimony.

By Mr. Goff:

Q. This McArdle, was he on duty at the Central depot there? A. Yes, in citizen's clothes.

Q. Was there another officer there? A. A party of the name of Officer McMahon; I had no dealings with McMahon; my dealings were with McArdle.

Q. What were the dealings? A. Well, we had dealings with him in this way; if we brought a guy there upon the train and if the guy broke open one of the boxes, they would know he was one of the guys, and McArdle arrested him; and if McArdle knew a man was a guy he would not touch the steerer, and he got paid by the month for that.

Q. How much was he paid by the month? A. Fifty dollars.

Q. Were there any other officers at the Grand Central depot involved in that business? A. None that I know of.

Q. You made the entries of the payments to McArdle, and you made the entries of other payments? A. I did; yes, sir.

Q. You knew that money was paid to him for that purpose? A. Yes, sir.

By Chairman Lexow:

Q. Did I understand him to say it paid?

Mr. Goff.—No, sir.

The Witness.—I made the entries in the books.

Q. What knowledge have you whether the money was actually turned over to McArdle? A. Only by putting it in the books.

By Mr. Goff:

Q. Who told you? A. McNally.

Q. The same as some other payments? A. Yes, sir; he was paid the same as any one else; I knew an instance when a guy was brought to the Forty-second street depot, me and Tommy Granger were out foraging, the guy came back to the depot and broke open one of these boxes; McArdle arrested him, and held the man there, and came up town and told Tommy Granger that he wanted to see McNally, there was a guy breaking open a box, and Granger sent me around for Jimmy, and Jimmy said he would see McArdle at 2 o'clock, and the guy was chased out of the city.

Senator O'Connor.—Ask the witness if McNally would have any purpose in making false entries. Presumably he made a correct statement.

By Mr. Goff:

Q. You say you saw him, where? A. One Hundred and Sixteenth street and Eighth avenue; McArdle came and told Jimmy that he had broken up a box at Forty-second street; told McArdle I would go down to Jimmy's house.

Q. When you came back from Jimmy's house, where did you go? A. I sent word to Tommy Granger that Jimmy would be down at 2 o'clock.

Q. Where did McArdle wait? A. At Forty-second street depot.

Q. Did Jimmy go down to the depot at 2 o'clock? A. He did yes, sir.

Q. Senator O'Connor asks a question which I wish you to answer; do you know of any motive or purpose on the part of McArdle to cause him to make false entries of those payments?

A. No, sir; we always kept a complete record and made entries of all moneys paid out for any and all purposes.

Q. Was it the rule of McArdle to make entries of all moneys paid out? A. For every purpose; if it was a loaf of bread, it was to be put on the book.

Q. Did you ever hear him say anything about keeping a direct record of the moneys paid to the police? A. He always did keep it, yes, sir.

Q. Did you ever hear him say why he kept it? A. To know what money he received, and what he paid out to the police.

Q. Did you ever hear him say anything in case the police turned on him, he could have these entries, or something to that effect? A. No, sir; I never did.

Q. Did you ever hear him say anything about the danger of keeping these entries of paying money to the police? A. He never said that.

Q. He was a methodical man in business? A. Yes, sir; quite so.

By Chairman Lexow:

Q. When you paid the first entry against McArdle, did you do it under the instruction of McNally? A. Yes, sir; he told me to put his name at the head of the page; that he had got McArdle right at the Forty-second street depot.

By Mr. Goff:

Q. And you continued to make the entries every month? A. Yes, sir; for nearly two years.

Q. In other words, McArdle had an account? A. Yes, in other words; yes, sir.

Q. Now, I will ask you to tell us if you were troubled by the police during your operation at Roach's saloon? A. Well, about three weeks after Price had been made captain of the Thirty-seventh street station-house, Detectives Hay and Curry came to the house 301 West Thirty-eighth street.

Q. Are Officers Hay and Curry here? (Both officers stood up); did you see those? A. Yes.

Q. Tell us which is Hay and which is Curry? A. The one in uniform is Hay.

Q. Now the other is ———? A. Patrick Curry.

Q. Your first name, Officer Hay?

The officer.—Allan Hay.

Q. And your first name? (To Mr. Curry.)

The officer.—Patrick.

Q. Patrick Curry; to what precinct are you attached? A. Fourteenth.

Q. Mr. Hay, what is your precinct? A. Eleventh.

Q. Have you been wardman and recently changed under the rule and remanded to patrol duty? A. Yes, sir.

Mr. Goff.—You may sit down, officers.

Senator O'Connor.—How long has the witness known the officers?

By Mr. Goff:

Q. When did you first see them? A. I think it was in the month of January, 1893; I can't say whether it was January or February; it was either one of the two months.

Q. You say they came to your house? A. They came to our house, 301.

Q. Three Hundred and One what street? A. West Thirty-eighth street, over the saloon.

Mr. Goff.—Is the officer of the Twentieth precinct here?

The officer.—Yes, sir.

Q. You are telling us about Hay and Curry coming to your rooms, that is, your private residence? A. Yes, sir.

Q. Did you give us the street? A. Three Hundred and One West Thirty-eighth street.

Q. Over Roach's liquor store? A. Yes, sir.

Q. What took place? A. It seems that some lady or somebody had written to Price that McNally was running an opium

joint there; Hay and Curry were sent over; they came there the evening and in the place of an opium joint they found Detective Hanley sitting there talking with McNally; they excused themselves and walked out, seeing nothing more, any more than Hanley.

Q. They walked out? A. Yes, sir.

Q. Made no arrests? A. No, sir; no arrests.

Q. Who else was there besides Hanley? A. That night McNally and I.

Q. Hanley, McNally and yourself? A. Yes; the next night we came around again about the same time, knocked on the door and were admitted; in there was Nellie Moreau's father and McNally and myself.

Q. Who was Nellie Moreau? A. Nellie Moreau was a girl that lived with Jimmy previous.

Q. She was one of Jimmy's girls? A. She was one of Jimmy's girls.

Q. And her father and Jimmy and you were in the green goods business? A. Her father was in the green goods business with us.

Q. What was his Christian name? A. That I can not say, I don't know.

Q. What took place when the detectives went in there? A. They came in the second time; that is, Hay came up stairs and Curry stayed down stairs across by the drug store; and Hay came up and looked around and saw nothing, but me asleep on the bunk; there was a pipe on the table, and the lamp in the kitchen, and nothing to identify an opium joint and he said, I am going to take the three of you to the station-house, and Jimmy said, all right, and we went; after we got to the station-house twice — Jimmy said to Price are you going to lock me up; he said, yes; I have got this position and I am going to hold it, and I am going to lock you up; and we were locked up and took us down to the cells.

Q. Let us see before you got down to the cells; when you got before the desk, what names were given? A. I gave the name of Charles Brown; McNally gave the name of Morris.

By Chairman Lexow:

Q. When was this? A. January, 1893.

By Mr. Goff:

Q. You said before, January or February? A. January or February, I forget which month.

Q. It was in the early part of 1893? A. Yes, sir.

Q. You say you gave the name of Charles Brown? A. Yes.

Q. What name did McNally give? A. J. W. Morris.

Q. That was one of his aliases? A. Yes, sir.

Q. What name did Moreau give? A. I don't remember; some farmer's name.

Q. When McNally gave the name of Morris at the desk, do you know who it was that took the name? A. The sergeant.

Q. Was Captain Price present? A. He was; yes, sir; standing right there.

Q. And you have already stated that Price knew McNally? A. Yes, sir.

Q. Did Price say anything when McNally gave a false name? A. No, sir; not a word.

Q. No remarks passed? A. No, sir.

Q. Proceed; next you were brought down stairs? A. We were brought down stairs and locked up, and we were down there 10 minutes, and Price came down and he hollered out McNally; Jimmy answered; he opened the cell door and said, "Come up and get a bondsman;" McNally in company with Hay, went over to Martin's restaurant at Fortieth street and Broadway, and got Mr. Martin to go over and give his bail and Nellie Moreau's father's bail; Nellie came to me and asked me if I cared to stay over night; I said no; McNally said Price said to McNally, "It won't hurt you to stake the sergeant;" that was a little before 12 o'clock; McNally came back the second time with Martin to go with Nellie Moreau's father; he had to stake the sergeant that was on after 12 o'clock; he told me the next morning he gave Price \$75 or \$100 for himself, going down in the train the next day —

Q. Going down where? A. As I was going down to Jefferson Market with Detective Hay, and Detective Hay said to me, I suppose Jimmy will see me, meaning to stake him; I said, I suppose he will see you down below; of course Jimmy and the other man had been bailed out; in the meantime I had two or three drinks on the way down with Detective Hay.

Q. You went into some liquor stores with him? A. Yes, we got down there and were called up and discharged; there was not a word said by any one of the three of us; there was no charge made against us; I don't think Curry was there and Curry did not seem to have anything to do with it; He was standing up to the bar talking with the judge, and Ivanhoe said, "Are you going to rap up against these people?"

Q. Ivanhoe said to Hay, "Are you going to rap up against these people?" A. Hay said, "No, I have nothing to rap about;" they locked us up though.

Q. The night before? A. Yes; well, I spoke to Jimmy, and Jimmy said, "Tell him to come to the saloon across the way; I don't know the name of the saloon; on the southeast corner of Eighth street; we went over there and he came in, and I asked Jimmy for one of the opium pipes, and Jimmy gave to him, and he made him a present of it; Jimmy gave him \$

By Chairman Lexow:

Q. To Detective Hay? A. Gave Detective Hay \$20.

Q. Did you see him go to Jimmy? A. Yes, sir; I saw him alongside of Jimmy, and saw him take the pipe and go out.

By Mr. Goff:

Q. And you saw him take the money? A. Yes, sir.

Q. Was there anything said about the \$20, what it was for? A. He did not say; I had already told Jimmy that he asked coming down to the court, were you going to stake him, and Jimmy said, I will see him in the saloon; and I suppose Jimmy wanted to keep on the right side of him and gave him \$20.

Q. Was that the only time you were arrested while Captain Price's precinct? A. We were never arrested at that.

Q. And nothing came of that arrest, except as you have described? A. No, sir.

By Chairman Lexow:

Q. Did you go on carrying on your business? A. Yes, sir.

Q. Undisturbed? A. Yes, sir.

Q. In the same place? A. Yes, sir.

Q. Did Detective Hay know of your being there afterwards? A. I suppose he did.

Q. Did he ever come in there again? A. I saw him around the neighborhood lots of times.

Q. In front of the place? A. Yes, sir.

Q. He saw you going in and out? A. Yes, sir.

Q. Saw McNally? A. Yes, sir.

Q. And no attempt at interference was had? A. No; nothing whatever.

Q. Does McNally smoke opium? A. McNally has not smoked for the last two years; when I first saw McNally he was a pipe fiend; for the last two years he has been a morphine fiend; as a rule, he don't smoke now; he is not of sufficiently strong constitution to stand the pipe; he did have a pipe and layout for himself when Nellie Moreau called there.

Q. Did you use the pipe, William? A. I never did in my life.

Chairman Lexow.—We stand adjourned until half past 2. All witnesses subpoenaed for this morning, or under subpoena this morning from yesterday, will attend here again at half-past 2 o'clock.

AFTERNOON SESSION.

September 11, 1894.

Present.—Senators and counsel as before.

William Applegate, recalled, further examined.

By Mr. Goff:

Q. Before recess, while you were testifying about your arrest, on the charge of keeping an opium joint, did you testify whether or no Captain Price was behind the desk at the time? A. He was not, no, sir.

Q. But he was there present? A. Yes, sir.

Q. When you were brought into the station-house yourself, do you remember whether you were asked any questions about your name? A. We were not.

Q. Your age and where you came from? A. Only by the sergeant.

Q. The sergeant asked you the questions? A. Yes.

Q. And you answered them? A. Yes, sir.

Q. You stood before the bar or rail there, while the questions were being asked? A. Yes, sir.

Q. Now, I read from the blotter of the Twentieth precinct station-house, under date of Friday, February 23, 1893; remember, gentlemen, the witness testified that he thought it was January, or possibly in February; the entry at 9:45 p. m. "Captain James K. Price in command"; that of course means that he was present in the station-house, as it is the rule that the captain must indorse or make a memorandum on the blotter every time he leaves the station-house. and the time he leaves the station-house, and his return; "At 9:45, Captain James K. Price in command"; it shows at 7:40 Captain Price left on patrol; he returned, 9:45; another entry, "At 10:30 p. m.; 1 person arrested, name, James W. Morris, age, 32, white, United States, calling, broker, married, he reads and writes, address is 301 West Thirty-eighth street, complaint, keep opium joint; the name of the complainant detect.", which means Detective "Curry and Hay; charges with keeping opium joint at 301 West Thirty-eighth street; two pipes, one lamp and box of opium found on premises; bailed by Samuel W. Martin, 117 West Fortieth street;" the next entry "William Brown, person arrested, age, 22, white, United States, no calling, single, read and write, resident, 301 West Thirty-eighth street; the charge is complaint, disorderly person; complainant, Detectives Curry and Hay;" the next person arrested Benjamin Jones, age 40, white, United States, calling, agent, can read and write, residence, Goldsborough, Illinois, complaint, disorderly person; complainants, Detectives Curry and Hay; both of the prisoners are charged with being inmates at the above opium joint at the time of arrests; James W. Morris was bailed by Samuel W. Martin, 117 West Fortieth street; and Benjamin Jones was bailed by Samuel W. Martin, the same, 117 West Fortieth street; and William Brown was not bailed; that is yourself; you were not bailed.

A. Yes.

Q. I say you were not bailed out? A. No, sir.

Q. And the other two were; now, I should have finished that in the morning, each of the three persons, charged with these offenses, were discharged by Justice Hogan.

Chairman Lexow.—Any statement why the discharge was made?

Mr. Goff.—No, sir; it appears by an entry on the preceding page of this blotter of the same date, that Sergeant Henry W. was at the desk, and it follows that these entries are all in

handwriting; now, officer of the Twentieth precinct will you take all the blotters away; I a mthrough with them for to-day.

Q. Now, William, while McNally conducted his green goods business at Roach's saloon, Thirty-seventh street and Broadway, during the time that he was there, was there any other captain in that precinct, besides Captain Price? A. I think Captain Cross was there.

Q. That is before Price went there? A. Yes.

Q. Well, that is correct; how did you manage to get along while Captain Cross was there? A. From what I understood Mr. Hanley introduced Mr. McNally to Captain Cross; Detective Hanley I am speaking of — introduced Captain Cross to Mr. McNally; and that is what brought McNally in that neighborhood.

Q. Was there anything said about McNally being compelled to work outside of that precinct? A. Yes; there was; Mr. McNally tried to get joints in that precinct and Cross told McNally he could not stand any joints being there in that precinct, that they would have to do their business somewhere else, that he would allow them to meet in the precinct, but do no work there.

Q. That is the message that came from Captain Cross? A. That is what I heard from McNally.

Q. That those were the instructions from Hanley? A. Yes, sir.

Q. As coming from the captain of the precinct? A. Yes, sir.

Q. Now was there any records made at that time by you of any money having been paid any police authority while Captain Cross was in command in that precinct? A. No, sir.

Q. Now speaking of Detective Hanley, was he a frequent visitor at McNally's? A. I don't think there was hardly two or three nights a week that man was not there.

Q. What was the nature of his business there? A. There either to tell Jimmy what to do, or get some money or tip him off on something.

Q. Did you ever hear Hanley tell McNally that it was impossible for him to keep certain prisoners that McNally was interested in? A. I did, yes, sir.

Q. What was that circumstance? A. That was that Walter Haines and Scribner.

Q. What did he say in relation to that? A. He said he was afraid if he kept them any longer they would squeal.

Q. That is, Hanley said? A. Yes.

Q. That if he kept them any longer they would squeal? A. Yes, sir.

Q. Did he say anything indicating on whom they would squeal? A. On him and on the police.

Q. Haines and Scribner were discharged then? A. Yes, sir.

Q. Did you ever hear anything said about those men having been brought before a magistrate? A. I never did; I don't think they were.

Q. You say Hanley visited Jimmy's rooms two or three times a week? A. Yes, sir.

Q. Did he visit the place after you were arrested on the charge of keeping the opium joint? A. Yes, sir; dozens of times.

Q. Where did you go and live after you left the place 201 West Thirty-eighth street? A. I went away and McNally went to Bridgeport.

Q. Then you parted from McNally, did you? A. Yes.

Q. That is, you discontinued to live with him? A. Yes, sir.

Q. And after that, had McNally a residence in New York? A. No, sir.

Q. Have you frequently conversed with Hanley? A. In the house?

Q. Yes? A. Yes, sir.

Q. Familiarly and frequently? A. Yes, sir.

Q. Did Hanley ever get any money? A. Yes, sir; McNally has given me rates from \$75 up to \$250 to hand Hanley in the house; he has taken it out of the safe, and said, "Give it to Hanley;" Hanley was sitting a little off from the safe at that time; McNally has given me rates from \$75 to \$250, and Hanley was sitting a little way from the safe, and he would take the money out of the safe and give it to me, and say, "Hand it to Hanley;" afterward I would enter it on the books as protection, to Hanley; but it was for him and part for the other party going around with him.

Q. For these two men \$75 and \$250 — were they paid at different periods? A. Yes, sir.

Q. Well, now, the first period when you were first there, how much was paid to Hanley? A. Seventy-five dollars.

Q. And how often was that paid? A. Well, supposed to be paid at the first or third of the month.

Q. Every month? A. Yes, sir.

Q. Regularly? A. Yes, sir.

Q. Can you tell us what period it was the sum was raised from \$75 to \$250? A. No; I can not.

Q. Well, was that the later period? A. Sir?

Q. Was that the later period? A. Yes, sir; the later.

Q. Can you give us any reason why the sum was raised from \$75 a month to \$250? A. The reason I just said; I think Hanley had some other party going around with him doing something for McNally.

Q. Some other detective? A. Yes, sir.

Q. When you say protection, I want you to give the committee what the understanding of McNally was, so far as you heard him express it, and what your knowledge and understanding were from all the facts and circumstances of the case—what protection was that \$75 and the \$250 respectively, intended for? A. For us working on the quiet up town, from Hanley looking after our part of the interests, seeing no guys came back, seeing the steerers were not interfered with around New York city; as any steerer went out, the first thing said to him was in case of a drop, in case you get pinched, just say you are with McNally and you will be all right.

Q. So all your men were instructed that if they were arrested to say they were working for McNally? A. For McNally, and everything would be settled.

Q. And you know of cases where some of your men were arrested by the police and where they gave the name of McNally? A. I can not remember any now; no, sir.

Q. That is a matter of fact, none of them were arrested, so far as you know? A. I can not remember any.

Q. Now, in regard to taking the guys, for instance, that came over the Pennsylvania railroad, taking them through the city, hadn't Hanley something to do with that? A. He had all to do with it.

Q. He looked after that end of the business? A. Yes, sir.

Q. So that the conducting of the guys from the ferry through the city, or from the Forty-second street depot to your place, that all was under the charge of the central office? A. Yes, sir.

Q. And Hanley represented those men, did he? A. Yes, sir.

Q. And that was what the money was paid for? A. Yes, sir.

Q. About how long a period of time can you tell us that Hanley received this money, or these respective sums; approximate the time as near as you can? A. Hanley has been getting money from McNally for the past two and a half years.

Q. To your knowledge? A. Yes, sir.

Q. Did you ever know or hear of Hanley being engaged in any other duty or business than looking after McNally's goods business; did you ever hear him say he was on any other case? A. I personally heard him say he was a detective.

Q. Did you ever hear Hanley say that he had other business to attend to, or that he was making arrests, or running down cases; did you ever hear him say anything about it? A. No, sir.

Q. Did you ever hear, so far as conversation went between yourself and Hanley, and between McNally and Hanley, that Hanley attended to anything whatever but to McNally's business? A. No, sir.

By Chairman Lexow:

Q. Did he say to you that he was devoting all his time to McNally's business? A. No, sir; he did not say that.

By Mr. Goff:

Q. Did you ever hear him say anything to you, or to McNally in substance, that he was attending to the whole business? No, sir; I did not; McNally had told me that Hanley was tending to all his business down below.

Q. McNally has told you? A. Yes, sir.

Q. And that was the general understanding among you wasn't it? A. Yes.

Q. That Hanley was your representative in the central office to look after your interests there? A. Yes, sir; every writer that left Jimmy and went with Mike Ryan or Parmelee that writer stayed in the city, McNally would set a man on him; take the man on the stand yesterday; Hanley was sick on to him, and takes him away from the workshop; Al Sloan reported this to Mike Ryan; he told Mike Ryan that Hanley sicked on to him, and Mike Ryan wrote some letters to Byrd or somebody at headquarters, and told him of it; he got a letter in reply, stating that Al Sloan was all right; he was not to be interfered with.

By Chairman Lexow:

Q. Where did he get the letter from? A. I can't say Sloan told me.

Q. Was this letter supposed to be from this high official in headquarters? A. Yes, sir.

By Mr. Goff:

Q. When you say Hanley was stuck on to him by Jimmy, you mean to have us understand the same as a man would set a dog on to another's dog? A. What I mean Hanley was set on to them; to nab them and chase them.

Q. And McNally used Hanley at all times for that purpose of sicking them on to anybody he wanted to chase away? A. Yes, sir.

Q. Well, now, the relations between McNally and Hanley were very friendly, weren't they? A. Yes, sir; they were.

Q. Sociable? A. Yes, sir.

Q. Presents interchanged between them, weren't there? A. There were, lots.

Q. Who generally gave the presents? A. McNally.

Q. Did you ever know Hanley to give McNally presents? A. No, sir.

Q. What was the nature of the presents that McNally gave to Hanley? A. He gave him a watch two years ago last New Year's—New Year's evening, I think it was.

Q. Were you present when he gave him that watch? A. Sir?

Q. Were you present? A. No, sir; not when he handed the watch to him.

Q. Did you see the watch? A. Yes, sir.

Q. Tell us all about how you came to know that was presented? A. The watch was a very dear watch; it cost him \$500 to \$550; Jimmy said he bought it at Kirkpatrick's.

Q. Stop right there; was Jimmy in the habit of buying much jewelry? A. Yes, sir.

Q. Where did he buy his jewelry? A. Mostly at Kirkpatrick's.

Q. Did he buy jewelry there for ladies, to make presents to his ladies? A. Yes, sir.

Q. At the time that you speak of regarding this watch, did he buy other jewelry at Kirkpatrick's? A. I think he did.

Q. Did your sister receive presents from him in jewelry at that time? A. Yes, sir.

Q. What were the presents she received? A. One pair diamond earrings, one diamond breastpin and a ring.

Q. In McNally's making these presents to your sister, was anything said about the gold watch purchased by him for

Hanley? A. At that time he did not say who he purchased for; he had the watch and said he had just bought it.

Q. You saw the watch? A. Yes, sir; shortly afterward McNally got rid of the watch, and said he gave it to Hanley as a present.

Q. That he had given it to Hanley? A. As a present.

Q. Did you ever hear anything said about that afterward, either by McNally or by Hanley? A. No, sir.

Q. Did you ever hear any reference made to it? A. Sir?

Q. Did you ever hear any reference made to the watch? A. No, sir; shortly afterward, he purchased another watch, a very dear watch, and I wore it a good while after McNally bought it, and I had the fight, and I pawned the watch for \$125 in Stern's; the watch was almost the same as he gave Hanley.

Q. The both watches were the same? A. Very nearly the same.

Q. What peculiarity, if anything, were about this watch that you wore? A. Well, it is a watch with—there was a little bell about every hour; touch a little bell like an alarm clock.

By Senator Bradley:

Q. Strike the hour, did it? A. Yes, sir.

By Mr. Goff:

Q. You say you pawned that watch? A. Yes, sir.

Q. Have you got the ticket for it with you? A. Yes, sir.

Q. Just let me look at it? A. I believe I have got it with me; I guess I have; yes; I have (handing ticket to Mr. Goff).

Q. Watch and chain? A. Yes, sir; the chain was on it.

Q. One hundred and twenty-five dollars; this was pawned at Stern's, at 156 West Twenty-first street? A. Yes, sir.

Q. Why did you go there? A. It was nearest to me.

Q. You had no object in going to Stern's, did you? A. None whatever.

Q. This was in the name of Mr. Morris? A. I gave his name.

Q. That is McNally's name? A. Yes, sir.

Q. Well, did you see McNally, or know of McNally giving to Hanley any other articles as presents? A. He made him a present of a lamp that I seen.

Q. Did you see that lamp, William? A. Yes, sir.

Q. Where did you see it? A. Three hundred and one West *Thirty-eighth street*.

Q. In your room? A. Yes, sir; it was brought there a day or two before it was sent away.

Q. Who brought it there; do you know? A. No, sir; I do not; it was brought there by a man in a wagon outside; I cannot say exactly who.

Q. It remained there, you say, a couple of days in your room?

A. Yes, sir.

Q. What do you recollect about the lamp; what it was brought there for? A. He said he was going to make it a present to Hanley, and sent it to his house in Fifteenth street.

Q. McNally said so? A. Yes, sir.

Q. Did he send that lamp to Hanley's? A. Yes, sir.

Q. Have you examined this lamp here before you (indicating lamp)? A. Yes, sir.

Q. Can you say that is the lamp McNally bought and that was in your room? A. It was exactly the same; there was a stand to that lamp.

Q. The messenger informs us the stand is left at the house and he could not bring it down with safety; well, now, can you say that is the lamp; just look at it; come down and take a look at it? A. That has got everything on it, the same as the lamp of Hanley's; it looks exactly the same; of course, I had no mark on it so I could say it is the lamp; it looks exactly the same as the one that was sent, the shade and all.

Q. The shade was on it? A. Yes, sir; just the same as it is now.

Q. With the exception of a stand that belongs with it? A. Yes, sir.

Q. Have you any doubt in your mind about the similarity of this lamp? A. I have not; no, sir.

Q. You know of McNally making any other presents to Hanley? A. I think he has made presents of pieces of furniture to him.

By Senator Saxton:

Q. Do you know where he got that lamp? A. I don't; no, sir.

Q. Or how much he paid for it? A. No, sir.

By Mr. Goff:

Q. Have you heard McNally and your sister talk about these presents? A. I have heard both of them talk about it.

Q. In what relation? A. Just saying that he had been down town, or she had been down town, and picked out something and going to send it to him.

Q. Going to send it to Hanley? A. Yes, sir.

Q. I believe you have already testified you went there one night with your sister in a carriage? A. Yes, sir; and one night alone.

Q. And you did not go upstairs? A. Not the night I went with her.

Q. Were you ever there? A. Yes, sir.

Q. In his room? A. In the parlor.

Q. Were you ever there after this lamp was sent there? A. No, sir.

Q. What took you there? A. I went there with a message from McNally.

Q. Did you see Hanley? A. Yes, sir.

Q. Tell the message? A. Yes, sir.

Q. What was the message? A. I could not say; it was a sealed letter.

Q. Did you deliver the letter? A. Yes, sir.

Q. What did Hanley say? A. He said, "Tell Jimmy, all right."

Q. Well, now, William, you know that you took an oath here, at the commencement of your testimony, not only to tell the truth, but the whole truth? A. Yes, sir.

Q. You remember that; now, is there anything touching the relation of McNally with Hanley, or with any other officer that I have not asked you, and which you know of? A. None that I can remember; no, sir; that you have not asked me.

Q. Have you told us, as far as you can remember, everything in your recollection of the relation of McNally, the green goods man, with the police in any shape or form?

By Senator Bradley:

Q. Anything else you can think of, that you did not testify to? A. No; I can not think of anything else, sir.

By Mr. Goff:

Q. Now, do you wish to make any corrections in your testimony? A. None.

Mr. Goff.—You may ask any questions, Senators, if you please.

By Chairman Lexow:

Q. Has there been any trouble between you and Sergeant Hanley? A. None; never any.

Q. Have you any special feeling against him, any anger in your heart? A. Nothing at all.

Q. Just as friendly disposed toward him as toward anybody else? A. Yes, sir.

Q. There is no reason why you should have colored your testimony, because of any feeling you have against him? A. I have no feeling against Hanley whatever.

Q. You have never had any words with him? A. Never.

Q. Or row? A. No sir.

Q. He has never arrested you? A. He has never arrested me in his life.

By Mr. Goff:

Q. I read a letter from this bundle of McNally's correspondence on the paper of a hotel, dated "March 23, 1894. Friend Jimmy, I have received the second from my man. And we arrived at 6 o'clock in the morning. The G" (or "S"). "Leave on the midnight train. I shall call for you to-morrow when I receive word that time they will arrive in New York, possibly between 12 and 3 o'clock. If you will not be home to-morrow, kindly leave word at the hotel where you can be found. Hoping you have entirely recovered from the effects of your cold, and with regards to yourself and lady, I am your friend, H. Hilton, care of Hallen, 270 West One Hundred and Seventeenth street." Do you know Hilton? A. Yes, sir.

Q. Who is he? A. Harry Hilton.

Q. What was he? A. A green goods writer.

Q. What does he mean here by "The G leaves on the midnight train"? A. Does that say the "S" or "G"? The "S" means the steerer, and the second means the second message, and that letter means that he has left home; he sends the second message when he arrives at the hotel; when they receive the second message, they send the steerer out for the guy wherever he is to come to.

Q. Were you ever a bartender? A. I was in Hawkins' a little while.

Q. Where did Hawkins keep? A. One Hundred and Sixteenth street.

Q. That was on Sunday night? A. Last Sunday night.

Q. Did he say that he did not want anyone to be hurt before this committee? A. Well, he said that he was sort of a friend of Meakin's and asked me if I was going to say anything about Meakin; I told him I did not know.

Q. This man who visited you was a friend of yours? A. Yes, sir.

Q. Is he living a straight life now? A. I believe he is; a rather old man now.

By Senator Saxton:

Q. He is not connected with the police force? A. No, sir; none whatever.

Mr. Goff.—I think, gentlemen, that is all with this witness.

By Senator O'Connor:

Q. Will you explain to the committee what has induced you to tell this testimony; that is, your testimony is that he has reformed and depending, or do you desire to retaliate; what is your motive in going on the stand as a witness and so freely telling all the evidence you have given on this trial? A. There is no special motive, only I came on and swore I would tell the truth.

Q. You would give up the life you are leading? A. Yes, sir; I have given it up.

By Senator Bradley:

Q. Since how long? A. For the last six or seven months back.

By Mr. Goff:

Q. Have you any hope of advantage or reward, in any manner, shape or form, by giving your testimony? A. No, sir.

Q. Or have you received any advantage or reward, in any manner, shape or form, in consideration of your giving your testimony? A. I have not; no, sir.

Q. Has \$1 of money gone into your pocket, any consideration, or been given to you, or any person for you; do you hope for \$1 in consideration of your testimony here? A. I don't know; I did not expect any money, and do not come for money.

Q. Did you ever see the wardmen of that precinct talk to Kennedy? A. No, sir; I have not.

Q. Did you ever know of any transactions between Kennedy and the wardman in that precinct? A. No, sir; not at that time.

Q. Well, at any time? A. No, sir.

Q. By the way, you were approached on last Sunday night or Saturday night, weren't you, by a person, with regard to your testimony here before this committee; were you? A. Sir?

Q. Were you approached by a person regarding the giving of testimony here before this committee? A. A party came to me and said they heard I was going down.

Q. Was it a man or woman? A. A man.

Q. What did the party say to you? A. He asked me if I was coming down here to holler; I said no; I was coming down; but I didn't say what I was going to do.

Q. Did the party ask you to leave town? A. He said he thought it would be the best thing if I skipped to Jersey, and kept away from the stand.

Q. Did he say how you would go to Jersey? A. He said he would take me over there, and said he had enough to keep me for quite a while.

Q. Did he name the sum? A. He said he had a hundred dollars at the time.

Q. He proposed to give that to you? A. Yes, sir.

Q. And did he say anything about a weekly allowance, or anything, over there? A. Well, he did; he said he would see I got a few dollars a week; I think he said \$10 a week if I stayed over there.

Q. Who was that party? A. Mr. Goff, I do not care to mention that name, if you will excuse it.

Q. Was he connected with the green goods business? A. He had been at one time.

Q. A friend of yours? A. Yes, sir.

Q. Well, had you seen him shortly before he visited you? A. No, sir; I had not.

Q. Well, did he say anything about who sent him there? A. No, sir.

Q. Did he say anything about any person having received a subpoena here before this committee? A. He said he heard Meakin had received one.

Q. He said he heard Captain Meakin had received a subpoena? A. Yes, sir.

I sent down to inquire whether there had been any developments; the answer came that there had been no developments so far, and I was then furnished with a copy of the identical postal card that had been mailed to pawnbrokers; last Friday, the 7th, I received a letter requesting me to call the next morning on Inspector McLaughlin, to identify my property; I went down the next morning, and was referred again to Sergeant Bird; Sergeant Bird called an officer, and this officer took me down to Simpson's pawnshop.

Q. In the Bowery? A. Yes, sir; the watch was shown to me there; I did not know it; and on the way down, I had inquired whether any advance in money had been made.

Q. Who went with you? A. The officer.

Q. What was his name? A. I think Connor.

Q. Detective Connor? A. Yes.

Q. He was sent with you by Sergeant Bird? A. Yes; and I then learned that the sum of \$40 had been advanced.

Q. By the pawnbroker? A. By the pawnbroker.

Q. The detective told you that? A. He told me that; yes; and the pawnbroker confirmed that, and showed it to me from his books.

Q. That he had advanced \$40? A. And he then told me I could have my property on paying \$40; I told him that the watch was not worth as much as they supposed; it was a very old watch; not very expensive; and he said that I could reclaim the property by repaying the \$40; I saw I could not get it in any other way, and I paid the \$40 and reclaimed my property.

Q. While that was going on, did the detective interfere in the conversation? A. No; he only merely drew attention to what had been paid; he drew attention to the entry on the book; drew attention to the money that had been paid; this detective wanted me to see the \$40 had been advanced.

Q. The detective made himself officious? A. I can't say that.

Q. He went out of his way to show you that the money had been paid by the pawnbroker? A. No; I wanted to see some proof that the \$40 had been paid, and he asked the man to show his books, showing me the way in which their business was done.

Q. Now, have you got the watch with you? A. I have got the watch with me here now.

Q. I don't ask you for any ulterior motive; this is the watch? A. This is the watch (producing watch).

Q. May I ask how much this watch cost originally? A. This watch cost, originally, some 18 years ago, \$60.

Q. How many days ago is it you paid \$40 to the pawnbroker?

A. Last Friday—oh, one moment, on last Friday.

By Senator Bradley:

Q. Saturday? A. Did I say Saturday; you see I got notice on Friday, and I paid it on the same day.

Q. The same day you got the postal card? A. The same day I went down.

Q. Is this the postal card you received? A. Yes, sir.

By Mr. Goff:

Q. Let us see; this is addressed Ferdinand Meyer, 130 Fifth avenue, city; is that your memorandum? A. That is my own memorandum in pencil.

Q. When did you make that? A. I made it to-day.

Q. That is Mr. Simpson's office, 91 Park row, corner of North William, instead of the Bowery, I see here? A. Yes.

Q. "Paid him \$40 on September 7, 1894"? A. That is correct; the postal card is printed—

Q. How much did you say you paid for these postal cards? A. Two dollars and a half.

Q. The postal card printed reads "Loan men and pawn-brokers, please stop if offered or notified, if received stolen, August 21, 1894. Gold mounted case, stem-winding watch, Lucien Dubois, maker, 10,855. Swiss make, silver dial, ornamented with gold, and a gold link, double chain and gold cigar cutter attached." Is there a gold cigar cutter attached? A. Yes, sir.

Mr. Goff.—Printed below in large letters, "Inform Inspector William McLaughlin, 300 Mulberry street, New York. All advances will be paid by owner."

James Flynn, called as a witness on behalf of the State, being duly sworn, testifies as follows:

Direct examination by Mr. Goff:

Mr. Goff.—Before I ask Mr. Flynn any question, I would state to the committee that in conversation yesterday with the book-

keeper of Kirkpatrick, he told me the inconvenience that he has experienced from the detention of their books, even for a little while, so I permitted him to take his books, and instructed him to make searches for certain entries which I expected should be somewhere in their books, and which the books here yesterday did not show. Now, he sends me down a copy of the entry. I think we can receive this as evidence. If the committee entertains any doubt about it, of course, we can subpoena the bookkeeper again, and make him produce the book. At any rate, we will take this for what it is worth.

Q. What is your profession? A. I am a practising lawyer in this city.

Q. And are you the attorney of Mr. Kirkpatrick the jeweller? A. Yes, sir.

Q. Have you conversed with Mr. Garfield—is it? A. Yes, sir.

Q. The bookkeeper, to-day? A. Yes, sir.

Q. Did he give you a writing; did he give you a paper? A. Yes, sir.

Q. Did you see him copy on that paper from any book? A. The book that he copied that entry from which you hold in your hand was here yesterday; you asked a year in advance, and the book was there, and if you had informed him yesterday, you would probably have got immediately what you asked for.

Q. The difficulty is we don't know what we want in advance? A. I thought you did not want to trust him; Mr. Kirkpatrick has nothing to conceal from his books or anything, of course; he saw a statement in the morning paper about something, and by looking over his books, he made the memorandum you hold in your hand.

Q. Was this the memorandum that was given to you by the bookkeeper? A. Yes.

Q. As taken from the books in court yesterday? A. Yes, sir. (Paper marked Exhibit A, September 11, 1894, L. W. H.)

Q. I read from this memorandum; the figures 12, 992; I presume mean the 9th of the twelfth month, 1892? A. Yes, sir.

Q. That is the 9th of December, 1892? A. Yes, sir.

Q. "McNally, \$715; our number of watch 3761, open face 16 l"? A. Sixteen lines, that means.

Q. What is this, "Anchor"? A. Sixteen line anchor.

Mr. Goff.—Repeating watch?

By Chairman Lexow:

Q. Anchor movement? A. Yes, sir.

By Mr. Goff:

Q. Chronograph; maker, Pequit & Co.? A. Pequit watch we call it.

Mr. Goff.—“Maker’s number, 4071.”

Q. That is the number of the watch; that is the only article there is, is it? A. That is the only article.

Q. What is the price of the watch? A. That was the price of the watch.

Q. Seven hundred and fifteen dollars? A. That is the price it was sold for.

William Applegate, recalled, further examined by Mr. Goff, testified as follows:

Q. Now, will you give to the Senators, as nearly as you can recollect, any description of the watch which you have in your recollection, that you say was bought by McNally and given to Detective Hanley? A. The only thing I can say is, it is an open face watch, and will strike every hour, a small bell, like; I didn’t see much of it.

Chairman Lexow.—The witness has testified, Mr. Goff, that a similar watch was worn by him for some time, and pawned at Stern’s for \$125. Now, it seems to me as though we ought to have that watch produced to see or ascertain whether or not it tallies with that description.

Mr. Goff.—A very good suggestion.

Chairman Lexow.—If it don’t tally with that, the corroboration of that evidence is very strong indeed.

Q. Let me have that ticket? A. This ticket is run out; you may be able to get the watch out of there.

Senator O’Connor.—When did the witness say that watch was bought?

Mr. Goff.—He did not state exactly when it was bought. He stated when it was given — at New Year’s.

Q. What New Year’s was it? A. A year ago last New Year’s.

Mr. Goff.—That would be 1893, and this purchase is on the 9th of December, 1893, and the witness has testified that the watch had been bought some time. Now, let me ask you about the watch that was pawned.

By Mr. Goff:

Q. Do you know when McNally bought the watch you pawned?

A. I think he bought it quite a while before that.

Q. Before he bought this watch that was given to Hanley?

A. Yes; I think he bought the watch I pawned a good while before I pawned it.

By Chairman Lexow:

Q. In reference to the time you bought that watch there, do you know whether he bought the watch you carried before he bought the one for Hanley? A. He bought the one I wore before.

Q. Did you see the two watches ever together? A. No, sir.

By Mr. Goff:

Q. Where was the watch you carried when this watch that he bought for Hanley was in the house; do you know where the watch you carried was? A. I guess Jimmy had it.

Q. Had you seen it before that? A. Yes, sir.

By Chairman Lexow:

Q. These two watches must have been at one time, and the same time, in the possession of McNally? A. Yes, sir.

Q. In other words, in December, 1892? A. Yes, sir.

Q. Did you see them in his possession — both watches? A. Together.

Q. In December, 1892? A. No, sir; I did not.

Q. When did you get the pawn ticket; when did you put up the watch? A. Eighteen hundred and ninety-three; January, I think it was.

Q. And you afterward — A. Yes; February, 1892; the year afterward — 1892; the watch was purchased in 1892.

Q. You put it up when? A. Eighteen hundred and ninety-three.

Q. What month? A. I think it was February.

Q. Then you must have put it up very shortly after you got it? A. Yes, sir.

Q. How long after you got it? A. About a month.

Q. You mean to say, then, that you got your watch from McNally, and about the same time McNally purchased this

watch, as you say, for Sergeant Hanley? A. I don't mean to say the watch was given to me; I was just wearing the watch in the year 1893, when I pawned it.

By Mr. Goff:

Q. How long had you been carrying it? A. About a month.

By Chairman Lexow:

Q. Can you fix the time when this first watch was purchased?

A. No, sir; I can not.

Q. About? A. Oh, I can't say that.

Q. How long before this second watch was purchased had you known of Jimmy's wearing this first watch? A. Quite a while; I can't say exactly how long.

Q. Two or three months? A. Yes.

Q. As long as that? A. Yes, sir.

Q. Do you know whether it was purchased at the same place? A. I think it was; I don't know anything about it.

Chairman Lexow.—The record ought to show that, Mr. Goff. He thinks this watch he wore was purchased two or three months before, and at the same place.

Mr. Goff.—When we get the watch here, we will find out. We will have that watch produced here. Now, that will do, William.

Alexander J. Howell, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Sand and stone harbor transportation; sand, and transportation in the harbor; sand and stone transportation in the harbor—lighterage.

Q. Where do you reside? A. Nineteenth street, 236.

Q. Have you been engaged recently in doing any work for the corporation of New York? A. Well, how recent do you refer to?

Q. Well, any time within a month? A. No.

Q. Within a year? A. Yes.

Q. What have you been doing within a year? A. Well, I believe now—I am not positive—I believe I had a boat in the street department last winter.

Q. How many boats did you have in the street department? A. I think it was only one.

Q. Why do you think about it? A. My memory don't serve me; I think it is; I think there was one or two boats — one — in last winter.

Q. May it not have been two or three? A. No; it was not two or three.

Q. Was it one or two? A. I am not positive.

Q. Have you so many boats working for the street department that you can not answer? A. No, sir.

Q. Can't you give us a definite answer, Mr. Howell? A. No, I can not.

Q. One or two; how much money were you getting for the use of one or two boats? A. Five dollars a day.

Q. On each boat? A. Yes.

Q. How long did that continue? A. That I can not state; it was only a short time; a few weeks probably.

Q. How long before that was it you had done work for the city? A. I don't know whether they were in the winter before last; they only take it in the winter time, you understand.

Q. You have been in the habit of furnishing boats every winter? A. No, sir.

Q. Pretty nearly every winter? A. No, sir; we were several winters out.

Q. You have been operating and getting your boats employed in the street department through your friend, George Plunkett? A. No, sir.

Q. Hasn't he had something to do with getting you contracts? A. No, sir.

Q. Do you know him? A. Yes, sir.

Q. Were you engaged in business with him? A. No, sir.

Q. Never? A. No, sir.

Q. Interested with him in any way? A. No, sir.

Q. Do you remember renting your scows to the department of street cleaning a good many years ago? A. Yes, sir; he was with Captain Hidden at that time.

Q. After Captain Hidden, do you remember renting your scows to the department when Commissioner McLean was head of the department? A. I remember McLean being in the department.

Q. Around 1879 and 1880? A. Yes, sir; I remember something of that name.

Q. How is your memory? A. It is not good.

Q. Not good? A. No, sir; my memory has failed me several years back.

Q. You have been a man of considerable experience in business? A. Yes, sir.

Q. And you have kept your books of account in your business? A. Kept memorandums; never kept books; I don't understand books.

Q. You kept memoranda? A. Yes, sir.

Q. And who wrote the memoranda? A. I wrote them.

Q. What did you do with them? A. What memorandum do you refer to; at what time?

Q. What do you refer to? A. You speak of memorandum, or books of account.

Q. You spoke about that; I did not? A. Well, I think I see what you are getting

Q. I don't know whether you do or not? A. In ten years I have a letter book; it is a regular letter book, perforated on the edges, where the leaves could be torn out, if necessary; it was not a regular account book of any kind.

Q. Letter books rarely are account books? A. I kept my memorandum in there for eight or ten years; that is all the memorandum I had.

Q. You, renting the screws to the department of the city government, conducted your business in such a slovenly manner as to trust your memoranda in a letter book? A. That is so.

Q. That is so? A. And I made my memorandum in a pencil most of the time.

Q. In a letter book with perforated edge? A. Yes; it was perforated.

Q. Leaves to be torn out, if necessary? A. Yes, sir.

Q. Anything that was in the letter book that you did not want to preserve, or did not consider pleasant, you could tear it out? A. I did not tear one out in my life.

Q. It could be, if you would? A. Yes, it could be; yes, sir.

Q. You had a partner? A. A man named Perkins, who is sitting here somewhere — there he is (indicating); there, behind that vase.

Q. You had a bank account? A. Yes, sir.

Q. Did you keep a memorandum regarding your bank account? A. Only on the stubs.

Q. On the stubs of your checks? A. That is all.

Q. Where are those stubs? A. I can't say.

Q. You have a subpoena duces tecum to produce them? A. Yes, sir.

Q. Where did you look? A. I looked at the top of the house and bottom of the house; the only places they could possibly be; the bookkeeper I kept for two or three years died last year and it upset my business somewhat.

Q. Are you a member of the church? A. Yes, sir.

Q. If you will remove that newspaper, I can hear much better? A. Yes.

Q. I suppose you understand the obligations of an oath? A. Of a "note," you say?

Q. That is what I said; let us not misunderstand each other; you said "note," and I said "oath"? A. Oh.

Q. There is a difference? A. Yes, sir.

Q. Do you understand the obligations of an oath, oath? A. Yes, sir.

By Chairman Lexow:

Q. Of the oath you have taken here? A. Yes, sir.

Q. You understand it to be perjury if you forswear yourself? A. Yes, sir.

By Mr. Goff:

Q. Did you understand you had these books in your house? A. I told them I thought they were upstairs, if I remember right; I understood last week they were up top of the house.

Q. That was your belief last week, that your check-books were up at the top of the house? A. Yes; there is a little storeroom upstairs where we keep papers.

Q. You said you had somebody who went away from you? A. He died.

Q. What was he? A. My bookkeeper.

Q. What did you need a bookkeeper for if you never kept books? A. Of late years.

Q. Of late years? A. For the last eight years we kept books.

Q. How is it you started in to keep books within the last eight years? A. Because my son got old enough to go into the business.

Q. Then Mr. Perkins had gone out of the business, hadn't he? A. Yes, sir.

Q. Was it not as necessary for you to keep books when Mr. Perkins was in partnership, as when your son came in? A. We started in a small business, and we did not consider it necessary to keep books.

Q. So you told certain parties last week that those books were upstairs; that the check-book was upstairs? A. Yes; I thought it was up top of the house.

Q. When did you last see them, when you told the parties that? A. I have not seen them for some years.

Q. When did you go and look for them? A. I went there yesterday.

Q. Where were they when you saw them last? A. In some old boxes.

Q. Where? A. Up in a little room at the top of the house under the roof.

Q. You have lived in the house ever since, haven't you? A. Yes, sir.

Q. No one had a right to remove those books, had they?

A. No, sir; not to my knowledge.

Q. What had the bookkeeper to do with the loss of that check-book? A. I can't say.

Q. If you can not say, why do you say? A. It is from my imagination; that is all.

Q. Don't testify from your imagination; don't imagine things; testify to the facts; you understand the difference, do you? A. Yes.

Q. Put a bridle on your imagination, please; what had the death of your bookkeeper to do with the disappearance of your check-book? A. Well, I have not seen them since.

Q. What had the death of your bookkeeper to do with the disappearance of your check-book? A. I can't say anything definite.

Q. Did he take your check-books with him to the bourne from which no traveler returns? A. I can not answer that.

Q. You can not answer? A. No.

Q. Well, now, do you remember having scows in the street cleaning department when Captain Williams was superintendent of it; do you not? A. Yes, sir.

Q. How many had you there? A. I think it was four.

Q. What was the rate per day that you were paid? A. Ten dollars.

Q. Ten dollars for each scow? A. Yes, sir.

Q. And now you are paid five? A. Yes, sir.

Q. Quite a reduction, isn't it? A. Yes, sir; although I got nine last year for boats.

Q. You told me a moment ago that you got \$5 last year? A. In the street department, wasn't it.

Q. It was for the street department, wasn't it, you worked for when Captain Williams was superintendent of it; wasn't it? A. Yes, sir.

Q. You told me a little while ago you got \$5 last year from the street department? A. Yes, sir.

Q. You received \$10 a day from Captain Williams in the street department? A. Yes, sir.

Q. And you received \$5 last winter? A. Yes.

Q. That was quite a reduction from \$10 to \$5? A. Yes, sir.

Q. Quite a reduction? A. Yes.

Q. Did you have any trouble in getting your bills from the street department? A. Yes; we had trouble from different departments getting bills.

Q. Did you have any trouble when Captain Williams was superintendent? A. Yes, sir.

Q. What was the nature of that trouble? A. Bills were slow getting through.

Q. Why were they so slow? A. I can not explain it.

Q. Did you have an interview with Captain Williams regarding the slowness of bills? A. I asked him if he could not hurry them through.

Q. Did he give you any reason why they could not be hurried through? A. No, sir.

Q. Were you ever asked for any money by Captain Williams? A. No, sir.

Q. Will you swear that you did not? A. Yes, sir.

Q. Wait a moment, and don't let go your imagination; will you swear that you did not admit to your partner that Captain Williams demanded money from you in order that your bills should go through? A. I did admit to him.

Q. And when you admitted to him, did you state to him the truth or a falsehood? A. A falsehood.

Q. And you lied to your partner? A. Yes; if you choose to put it that way.

Q. You lied to your partner? A. Yes.

Q. And the money that you said that you had to pay to Captain Williams was partnership money, wasn't it? A. Yes, sir.

Q. Now, just listen to me, please; and you not only lied to your partner about it, but you swindled your partner out of that money? A. In what way did I swindle him?

Chairman Lexow.—His proportion.

The Witness.—No.

Q. It was deducted from the profits, wasn't it? A. It remained in the bank account.

Q. In what? A. It remained in the bank.

Q. What object had you in telling your partner a lie about Captain Williams? A. Well, I did not want him to think I would do such a thing.

By Chairman Lexow:

Q. In your bookkeeping wasn't that put down as one of the expenses of your concern? A. No, sir.

Q. It was not? A. No.

Q. When you told your partner you had paid money, wasn't it put down in the books by you? A. No; it was not; because I never paid it.

By Senator Saxton:

Q. Why did you tell your partner you had paid it to him? A. Because I did not want to lose his confidence; I did not want to go opposite to what he told me.

Q. Who? A. This man Perkins.

By Chairman Lexow:

Q. You was admitting to your partner that you were bribing; did you suppose you got his confidence by making that admission? A. I don't know about that; I can't say.

Q. How would you gain the confidence of your partner by telling you were bribing and lying about that; how would you expect to get his confidence by telling him you were committing a sort of crime or misdemeanor? A. I did not wish to pay over money to a department official; I did not want to do it.

By Mr. Goff:

Q. Raise your voice up, Mr. Howell? A. I did not want to pay money to a department official.

By Chairman Lexow:

Q. And you thought you were gaining your partner's confidence by telling him you were paying money at that time?
A. It may be.

By Mr. Goff:

Q. You said you did not want your partner to know you did such a thing? A. What thing?

Q. To bribe an official; your partner, you said, you did not want to know you bribed an official, and you turned around and lied to him though you did not want him to know that thing? A. You can put it that way.

Q. A man of your years, you ought to be ashamed of yourself? (No answer.)

Chairman Lexow.—It looks to me as though you had better tell the truth now.

The Witness.—I did not —

By Mr. Goff:

Q. What church do you belong to? A. Fifth avenue and Fifty-fifth street.

Q. What is the name? A. Presbyterian church.

Q. Let me look at that paper? (Referring to newspaper held by the witness, which the witness puts away.)

Chairman Lexow.—This is pretty serious business, and there ought not to be any laughing in regard to it.

By Mr. Goff:

Q. You smile a good deal over it, Mr. Howell, what do you smile so much about? A. Because everybody else smiles, I suppose.

Q. Because everybody else is laughing at you for being such a fool? A. I don't think you ought to call me that.

Q. I asked you the name of your church? A. Presbyterian church, Fifth avenue and Fifty-fifth street.

Q. Is it the first or twenty-first Presbyterian church, or Dr. Hall's church? A. Dr. Hall's church.

Q. How long have you been a member of Dr. John Hall's church? A. I have been there for over 10 years.

Q. For over 10 years? A. Yes.

Q. Were you converted then when you joined the church? A. Well, I should say I was, sir.

Q. You think you were? A. Yes.

Q. And that conversion, of course, is going on yet? (No answer.)

Q. Didn't you admit to someone else besides your partner that you had paid Captain Williams \$500? A. I had a motive. Chairman Lexow.—Did you, or did you not?

By Mr. Goff:

Q. Did you admit to any other person besides your partner that you had paid to Captain Williams \$500? A. Five hundred dollars — no.

Q. Did you admit it in conversation that you had paid to Captain Williams \$500 when he was superintendent of the street department? A. Yes, sir.

Q. Who was the person? A. Why, he is sitting around here; there he is, by you (indicating).

Q. This gentleman here (indicating)? A. Yes, sir.

Q. You admitted to him you had paid to Captain Williams money in order to get your bills through? A. Yes, sir.

Q. Answer, and don't shake your head? A. Yes; yes; yes.

Q. When you stated that to him, did you state it was true or false? A. Neither.

Q. Did you state it was true or false? A. It was false.

Q. Then you lied again? A. Yes; if you choose to put it that way.

By Chairman Lexow:

Q. Can you place any other construction on it? A. Well, no.

By Senator Saxton:

Q. How would you put it? A. Well, it is an untruth.

By Senator O'Connor:

Q. Why did you tell the untruth?

By Chairman Lexow:

Q. Why did you tell that story to this other person who is a partner? A. I will state in a few moments; I will state

a few of the points; a good many years ago, on false representations, that man brought me out—

Q. What man? A. Perkins.

Mr. Goff.—I object. We are not talking of that man. We are talking about this gentleman here.

Senator O'Connor.—I want to get at his motive.

Mr. Goff.—We don't want to give this witness an opportunity to blacken the character of any man.

By Chairman Lexow:

Q. Why did you tell this other man that was not your partner that you did bribe Captain Williams? A. Because I was going to state my reasons.

Q. Why did you tell him?

By Senator Bradley:

Q. This man never was a partner of yours? A. No.

Q. Explain to the committee why you told this man an untruth; you call it an untruth, and not a lie? (No answer.)

By Mr. Goff:

Q. Why did you tell this man? A. I did not pay Williams all the same.

Q. Why did you tell him you did pay Williams the money? A. He came and represented to me he wanted to pay this man some money, and I thought he would pay me some money, as he was not under any obligations to pay this man at all, and 10 years ago he promised this man some money for getting those bills through; I thought if he is going to pay this man some money 10 years ago, I can get some money myself from him, so I wanted to try to work the cards in the cards, so if he paid one he paid two.

Q. How came you to lie in order to make money by it? A. If I can get my own money back again.

Q. You were perfectly willing to lie about a public official in order to make money by the lie, were you not? (No answer.)

By Chairman Lexow:

Q. You understood you were charging Captain Williams with a crime? A. It was an offense.

Q. With an offense that would send him to State prison, if it were true? A. I did not know that.

Q. And to make \$500, you thought it proper to go to another individual to make such a charge? A. That man represented it was \$500 to pay Williams, and it was only \$100, and Williams only got \$100 out of it.

By Chairman Lexow:

Q. So you were lying for \$100 instead of \$500, is that it? (No answer.)

By Mr. Goff:

Q. No; he admitted he had paid it once; he had paid Williams \$100, and he admitted to this man \$500, and admitted to a lie to make \$400? A. I did not admit that.

Q. What did you say to him? A. If you will allow me to state it.

Q. I don't want to allow you to state everything you want to? A. You change the meaning of it, the way that you put it here.

Q. You say you joined the church 10 years ago, and that you were converted; and you are a ten year-old member of the church, and yet you deliberately lied and took a man's reputation away, as far as you could, in the hope of making money on it? A. How did I take his reputation away?

Q. Do you mean to say if you slandered Captain Williams by stating that he accepted a bribe from you, that that would not take his reputation away? A. Well, it is according to the construction to be put on it.

Q. Suppose, Mr. Howell, that I said that you accepted a bribe from me; would that be just? A. If one of those men came alone in my place—

Q. Suppose I said you accepted a bribe from me, would that be just? A. No.

Q. No, you do not suppose it would; do you think it was just for you to say Captain Williams accepted a bribe from you? A. How is that; state that over again; state the question again.

Q. (Question read by stenographer.) No, you do not suppose it would; do you think it was just for you to say Captain Williams accepted a bribe from you? A. I never did say anything to Captain Williams about it.

Mr. Goff.—Put the question once more in a loud voice, Mr. Stenographer. (The question was again read by the stenographer.)

The Witness.—No.

Q. Do you think you were doing the act of an honest man, to accuse a public official of a crime that, as Senator Lexow says, if true, would send him to the State's prison? A. No.

Q. And you stand here on your oath a confessed slanderer?

A. I don't know how you put it; all right, if you put it that way.

Q. You are, aren't you? A. It is not for me to say this; it is for you; not for me.

Q. I do not want to do anything for you, even if you are a member of the church, and a century of age; now, Mr. Howll, will you step down, if you please? A. Yes.

Chairman Lexow.—Do you desire to examine the witness further afterward, Mr. Goff?

Mr. Goff.—I may do so, sir.

Chairman Lexow.—Then you will remain here, Mr. Howell, until later.

Mr. Goff.—Don't leave the court room, I may call you again.

James H. Perkins, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Mr. Perkins, what is your residence in this city? A. I am residing now in Brooklyn.

Q. Where did you reside in this city before you went over to Brooklyn? A. I resided in Twenty-sixth street for a short time.

Q. And where are you residing in Brooklyn? A. Residing in Jay street.

Q. Now, Mr. Perkins, you are an old New Yorker, are you not?

A. I have been in and out of the city for a great many years, but did not reside in the city for a long time.

Q. Where was your place? A. In Flushing, Long Island.

Q. I believe you were born in Long Island? A. Yes, sir; at Sag Harbor.

Q. What was your business during the years 1879 and 1880 in this city? A. I was engaged with Mr. Howell in contracting and scow business; lightering with scows and contracting with Mr. Howell.

Q. For the city? A. Yes, sir; for the city principally.

Q. Did it always appear in your contracts with the city that you were partners? A. Not always, no.

Q. Why did it not always appear that you were partners? A. Sometimes he would take business on his own account and sometimes I would, and to answer for giving bonds in a better way; the city require bonds; so he would go my bonds; he was a resident of the city.

Q. So he could go your bonds? A. Yes, sir.

Q. Sometimes contracts were taken in your name as an individual which were really partnership contracts? A. Mostly in my name and he answered as bondsman.

Q. Those contracts were partnership contracts? A. Yes, sir.

Q. That is the understanding between yourself and Mr. Howell, so that you were partners? A. It was all done through our being together and through the books; he kept books and I done the outside work.

Q. He says he did not keep books? A. He kept what I supposed was books, although I never looked at his books for several years; I think he was a man of integrity.

Q. You saw the books? A. I never saw the books during that time; he told me he kept books and told me how they stood occasionally.

Q. During your work for the police department, as I understand it, these scows were leased or rented to the police department at \$10 a day? A. He made contracts with Commissioner McLain.

Q. At that figure? A. Yes, sir.

Senator O'Connor.—The street cleaning department?

Mr. Goff.—Yes, sir; the department of street cleaning at the time was under the police department. Captain Williams was superintendent, and Mr. Plunkett his assistant.

Senator O'Connor.—Captain Williams was then a member of the police department?

Mr. Goff.—Yes, sir.

By Mr. Goff:

Q. You say George W. Plunkett was his assistant? A. Yes, sir.

Q. Do you remember any occasion when you had trouble in getting your bill audited and certified? A. The bill ran up

to about \$5,000, and Captain Williams would not certify to it and my memory is that he objected doing anything with it, I saw Mr. French once or twice about it.

Q. Do you know Mr. French? A. Yes, sir; I knew him from a child; we were born in the same place, and he told me it would be necessary for me to get a certification of Captain Williams before he passed it through, and immediately offered to pass it through so I would get my pay; it was Mr. Howell's name, but I was interested in it just the same.

Q. After you saw Commissioner French did you see Captain Williams about the matter? A. I saw Captain Williams once but I did not do much talking with Captain Williams; Mr. Howell did that himself.

Q. Was you present at any time when Mr. Howell was talking with Captain Williams in regard to this bill that was there? A. No; I don't think I was.

Q. Had you any conversation with your partner, Mr. Howell about the best way to get the bill through? A. Yes; he said he had a talk with Captain Williams on several occasions; I didn't think it could be got through without the payment of money; I told him I would consent to the payment of money if we could get it through promptly; it was so long going through, and we could not get our money; and I thought I ought to have our money to use it; and he said the captain wanted 10 per cent. on \$5,000.

Q. On the claim? A. Yes; Captain Williams wanted 10 per cent. on the \$5,000, and that would make \$500; I consented to that and he drew up a check on Captain Williams.

Q. Did you see the check? A. I saw him draw it; yes, and I told him Captain Williams would not take a check; I told him it was a very foolish thing to offer him one, and he said, "Yes; he would take it, he thought; I told him he would not take it; Captain Williams did not take any check.

Q. How do you know that? A. I went with him when he carried the check to Captain Williams, and he offered it to Captain Williams up at headquarters, and the captain was indignant.

Q. What did the captain do and say when he offered the check? A. He told him if you are going to deal with me you must pay me in money; I do not take checks; that is what he said.

Q. What did Mr. Howell do then? A. He told him to take that envelope off the desk.

Q. Williams told him? A. Yes, sir; to take it outside and put his money in it and bring it back and lay it on the desk again; and Mr. Howell done that way.

Q. How did Mr. Howell get the check cashed? A. I don't know how he got it cashed; I think he had money by him.

Q. Did you see him put the money in the envelope? A. I saw him put it in the envelope.

Q. What did you see he did with the envelope? A. I saw him take it back and lay it on the desk, and saw Williams take it in his hand and put it in his pocket; that is all about it.

Q. How soon after that did you get your bill paid? A. It was put through right away; I knew Mr. French would put it through as soon as it got into his hands, of course.

Q. After that, during your partnership dealings, was it an understood thing that 10 per cent. was paid on all your bills in order to get them through? A. There were several other bills of that character, but not so large an amount, and I understood the same amount was paid on those; I was not present personally to see it.

Q. But you understood, as a partner, that money was paid out of the partnership funds? A. That's it; I did not expect they could be got through in any other way.

Q. You have seen your former partner here within a short time, have you? A. Within a week or two.

Q. Did you have a conversation with him about this matter? A. Yes, sir.

Q. Did you ask him about the books? A. Yes, sir.

Q. What did he say? A. He said he could not get them for me then; that they were up in the attic of his house.

Q. Was anything said about your going again for the books?

A. No; I do not know that, there was.

Q. Was there anyone with you when your partner said that? A. Yes, sir.

Q. Who was with you? A. That gentlemen sitting there.

Q. This gentleman here (indicating)? A. Yes, sir.

Q. Did you say anything to your former partner about the payment of the money to Williams, you have testified? A. Yes, sir.

Q. What did you say? A. I told him some circumstances; he said my memory was a great deal better than his; he said he could not recollect it; he knew there was some money paid to Williams, but did not think it was \$500; I told him that was the

amount I believed, and he said he did not believe that it was quite that much.

Q. Quite \$500? A. No.

Q. You performed a great deal of contract work for the city?
A. For 10 or 12 years, I think.

Q. What is the nature of the general work you performed?
A. It was principally paving and graveling in Central park; excavating, grading, etc.

Q. Did you do anything around the park? A. Yes, sir.

Q. Did you ever get through a contract in this city without having to pay for it? A. I never saw the inspector in our work but crowded on to me for money and he got it, except one, and he was a crazy man; his name was Smith and he died shortly afterward.

Q. Did I understand you testified, Mr. Perkins, that in your 10 or 12 years' contract work in this city you never had work but you had to pay or bribe certain officials except one man? A. I did not consider it a bribe; they came and said you had to see them or you would not do the work.

Q. You had to pay them? A. We had to pay them.

Q. I understood you to say that you never had a contract unless you had to pay an official for that contract, except one man, and he was crazy? A. Yes, sir.

Q. And he died shortly afterward? A. Yes, sir.

Q. He didn't ask you for any money? A. He never asked me for a cent; he appeared to be an honorable, inoffensive man, and when we got through with the work, we thought we ought to make him a present, and we made him a present of \$50 or \$75; that is what we gave him.

Q. This Mr. Smith? A. Yes, sir.

Q. And he took it? A. And he took it.

Q. That was after the work was done and closed out? A. After it was done and closed out.

By Chairman Lexow:

Q. How long ago was this that you gave this gratuity of \$75? A. Well, I think it was in 1878 or 1879; I can not recollect distinctly.

By Mr. Goff:

Q. Where did you do the work? A. Generally on the battery, and rip rap on it.

Chairman Lexow.—That is much bribery now under the steam, as I understand it?

Mr. Goff.—Yes; but by time is outlawed.

Q. Did you see any other money paid, except these \$500 you say Howell paid? A. To whom?

By Chairman Lexow:

Q. To anybody in the employ of the city? A. I have handed out money, \$200 or \$300 at a time, time and time again.

Q. To whom? A. Different ones.

Q. To expedite your work and get your pay? A. Yes, sir.

Q. They coming to you in reference to their official capacity? A. Inspector work; they did not expect anything else, but to get money; their \$3 a day is not all they got.

Q. Were those persons in the employ of the police department? A. Oh, no; public works; the paving done is done by the public works department.

Q. Limiting yourself to the police department—was the street cleaning department then under the police supervision; do you know of any other actual payments made to anybody in the employ of that department? A. No; only that one.

By Mr. Goff:

Q. You mentioned the name of an inspector there a moment ago; who was that inspector? A. There are so many that I do not want to call them up.

Q. You mentioned the name of one man? A. I mentioned one man by the name of Brady.

Q. What was he? A. He was an inspector; there didn't nobody see me give him any money.

Q. In what department? A. He was an inspector of paving.

Q. In the public works department? A. Yes, sir.

Q. You say, Mr. Perkins, at that time, during your 10 or 12 years' experience, it was impossible for a contractor to get his work through unless he paid the inspector? A. No contractor expected it.

Q. Was it a rule that all contractors had to pay? A. Yes; every contractor knows that that is done in contracting here; that he had to pay the inspector; that is part of the expenses.

By Chairma Lexow:

Q. And in making prices to the city, was that taken ~~in~~ consideration, and in making the bill? A. I suppose so; ~~it~~ ~~has~~ not directly but indirectly.

Q. That was considered part of the necessary expenses of ~~a~~ job? A. Yes.

Q. And added to the price of the contract? A. Yes.

By Mr. Goff:

Q. And the contractor could do the work for that? A. If ~~the~~ contractor did not do it he could not do it.

Q. When the contractor was making his estimate for the contract he took into consideration the fact that he would have to pay these inspectors? A. Yes, sir.

Proceedings of the thirty-eighth session of the committee the Senate of the State of New York, Wednesday, September 12, 1894, at 10:30 a. m.:

Present.—Senators Clarence Lexow, Jacob A. Cantor, Edmund O'Connor, George W. Robertson, Charles T. Saxton and Daniel Bradley; John W. Goff, Frank Moss and W. Travis Jerome for the committee.

Mr. Hyman Stern, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Stern, you received a subpoena duces tecum to produce a watch pawned with you on the 11th day of February 1893? A. Yes, sir.

Q. Have you produced that watch? A. I have.

Q. I hand you a watch and chain and ask you if that is ~~the~~ watch and chain that you produced in obedience to the subpoena? A. Yes, sir.

Q. I find a monogram upon the seal or pendant attached this watch studded with what appears to be diamonds; you are a jeweler, in that business; will you please tell us what the monogram is? A. They are diamonds.

Q. What is the letter? A. It looks to me like the letter M.

Q. M? A. I believe so; yes; I think it is.

Q. And does your artistic and aesthetic knowledge enable you to tell us the name of the animal pictured on the reverse side of the pendant? A. No, sir.

Q. I used to call that a griffin, or something like it? A. It may be.

By Chairman Lexow:

Q. Do you say it is? A. I am not certain; I can not tell.

Q. This watch strikes the hours, does it not? A. I did not try it.

Q. Just work on the spring there, and you will see? A. I know it is a repeater; I do not know whether it strikes the hour or the minutes.

Q. Now, just listen to it? A. I think it strikes more than the hours.

Q. Strikes more frequently; strikes the quarters probably? A. It strikes the hours, quarters and minutes.

Q. Is it what is called a stop-watch? A. Yes, sir; I think it is more than a stop; it looks to me like a split second fly-back.

Q. Split second? A. Yes, sir; will you allow me to look at it?

Q. Certainly? A. It is a split second, but it is not in order.

Q. Not in order, but it is a split second? A. Yes, sir.

Q. Does it correspond with a watch called the chronograph, or described as a chronograph? A. Yes, sir.

Q. Speak a little louder, witness? A. Yes, sir.

Q. I find in your paper, or the wrapper that contained this watch, a number 69585? A. Yes, sir.

Q. The wrapper and paper which I now hand you is the one that contained the watch that you brought down here? A. Yes.

Q. I find here a memorandum written; in whose handwriting is that? A. It is mine.

Q. I find here a memorandum written as follows: "Stopped by Detective Charles Hanley," with a lead pencil mark drawn through the name "Hanley," "not to be delivered without Detective Hanley"? A. That is right; that is correct.

Q. You wrote that mark on it? A. Yes, sir.

Q. Was that memorandum written by you upon the request of Detective Hanley? A. Yes, sir.

Q. At his direction? A. Yes, sir.

Chairman Lexow.—Speak up, so it can be put on the record.

Q. Sergeant Hanley is now in court, is he not?

Sergeant Hanley.—Yes, sir. (The officer stands up.)

Q. That is the officer that directed you to stop this watch? A. Yes, sir.

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Q. And the watch has been in your custody ever since? A. Yes, sir.

Q. Are you in the habit of writing such memoranda similar to the one now shown to you upon the request of the detectives from the central office? A. Yes, sir.

Q. And where you write such a memorandum as the one now read to you, you retain the watch or article? A. For them; certainly.

Q. For the central office detectives? A. Certainly; they stop the delivery of it; that's what it is for.

Q. Have you got any limit of time as to how long you may detain it? A. I suppose to the expiration of the loan.

Q. The expiration of the loan? A. Yes, sir.

Q. Now, the loan on this watch is one year, isn't it? A. Yes, sir.

Q. This watch was pawned on February 11, 1893? A. Yes, sir.

Q. According to that, Mr. Stern, the loan expired on February 11, 1894? A. Yes, sir.

Q. You yet detained this watch as pledged, did you? A. Yes, sir.

Q. Notwithstanding that the year has expired? A. That is right.

Q. And had you detained it as a pledge, notwithstanding that the year has expired? A. It had been detained on account of that memorandum on it.

Q. Is it on account of that memoranda? A. Yes; on the ground that there is no article or loan that expires in my office that I dispose of at once; I give everybody a limit — sometimes.

Q. I understand; you deal generously with your patrons? A. Yes, sir; certainly.

Q. When you received a watch like this on pledge, you as sume it to be a costly watch? A. I know it to be a good watch.

Q. Where is your office; raise your voice; all these Senators here and all these gentlemen want to hear your words; you advanced the sum of \$125 upon it? A. Yes, sir.

Q. Now, you keep books, Mr. Stern? A. Yes, sir.

Q. And when you receive a watch of this character you make an entry of it, of course? A. Yes, sir.

Q. Do you know if you have another watch of this character in your keeping as a pledge? A. I do not know.

Q. I suppose you have a great number? A. I have a great number of watches, certainly.

Q. Mr. Stern, the committee would like you to produce your books that cover the date of February 11, 1893, and also the date of May 28, 1894; the book of pledges received and containing all transactions relative to pledges of these dates; will you please bring it here? A. I will.

Q. Is it a large book? A. Yes, sir; they are very large books.

Q. I am very sorry that we must inconvenience you, but we have to do it? A. I am at your service.

By Senator Saxton:

Q. Did you understand the date? A. February; I have made all the necessary memoranda here and that may save me bringing down the book.

By Mr. Goff:

Q. Let me look at it? A. This is a ticket with a memorandum attached to it.

Mr. Goff.—Mr. Chairman, for the present I deposit this watch and papers, etc., in your keeping. There is one gold watch and chain, a locket one pawn ticket of February 11, 1893, one slip of May 28, 1894, one slip No. 69585, one pencil memorandum relating to Detective Hanley, with his name upon it, pinned to a piece of brown paper.

By Chairman Lexow:

Q. I would like to ask you one question; did Sergeant Hanley pawn more than one watch at your establishment? A. Not that I know of.

Q. Would know it if he had? A. I could tell by my index book.

Q. Have you looked? A. I have looked, and we only found that one; it was day before yesterday it was called for.

Q. Are you prepared to swear he pawned more than one? A. I could not swear to that until we look over it.

By Mr. Goff:

Q. I think we had better look at that index-book, too, Mr. Stern? A. That is the index-book of the names; that is all.

Q. And the index of names each day? A. Yes, sir.

Q. The index-book refers to the index in the general book? A. It simply refers to the index of names, and lost tickets to assist people in finding their loans.

Q. We will be very much obliged to look at the index-book as well as the books I have mentioned? A. Very well.

Q. If you please? A. Shall I get them now?

Mr. Goff.—That is, yes, and about half past two o'clock will be time.

By Chairman Lexow:

Q. Or any other books that may cast light upon this subject; you know what we are after? A. Certainly, sir.

Henry Kremer, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Mr. Kremer, give us your full name, please? A. Henry Kremer.

Q. How do you spell it? A. K-r-e-m-e-r.

Q. Now, if you please, raise your voice so all the gentlemen around here can hear you; what is your business? A. I am a collector.

Q. In what business? A. A collector for the brewery business.

Q. What brewery? A. Geo. Ringler & Co.

Q. Where is that brewery located? A. Ninety-second street and Third avenue.

Q. That collector means a collection of bills due—of money due from the various saloon-keepers on purchases of beer from your brewery? A. Yes, sir.

Q. Did you have an application made for a license by a man known to you by the name of Karl Werner? A. No, sir.

Q. Did you have an application, or did you make an application for a license for a man named Weisner or Wosner? A. No application for a license; no.

Q. Did you get into the possession of a license for a place that was managed by a man named Wosner? A. That is it; yes, sir.

Q. You applied for that license yourself? A. Yes, sir.

Q. Where was the store? A. Corner of Avenue B and Fifth street.

Q. Raise your voice and keep it up? A. Corner of Avenue B and Fifth street.

Q. When did you get that license? A. Well, counsel, I can not tell you the name exactly.

By Senator Bradley:

Q. The time? **A.** The time? I can not tell you the name without the license.

By Chairman Lexow:

Q. The month? **A.** I can not tell you the month—the date. (Officers Cohen and Arfken were at this time directed to leave the courtroom and remain in the corridor until called upon.)

Q. When you made application for this license you knew, of course that Wosner was to run the place? **A.** Yes, sir.

Q. Had you any financial interest in the place yourself? **A.** Yes, sir; certainly.

Q. What was the extent of your financial interest; outside of being agent for the brewery, had you any money invested in the place? **A.** Money invested in the place?

Q. Yes? **A.** No; I did not have any money invested in the place.

Q. Had you any interest in the place? **A.** Yes, sir.

Q. Was that interest as agent of that brewery? **A.** Interest as agent of our brewery.

Q. That is quite a common thing, isn't it; agents of breweries to obtain licenses in their names and have men run the saloons? **Chairman Lexow.**— Whom had you at that place?

A. Yes, we do, oh, yes.

Chairman Lexow.—He didn't understand apparently.

By Mr. Goff:

Q. You know all the breweries have agents like yourself? **A.** Yes.

Q. Mr. Ringler or the Ringler brewery has more agents than yourself? **A.** Yes, sir.

Q. What the committee wants to find out is, is it customary for agent of the breweries to go to the excise department and obtain licenses in their own names for saloons in various parts of the city? **A.** Yes, sir; I can do that; I can put somebody in for me to manage the place.

By Chairman Lexow:

Q. Is that the habit, though; do you generally do that? **A.** No; we do not generally do that.

Q. Is it often done? **A.** A few cases, once in a while; yes, sir.

By Mr. Goff:

Q. And so far as you know, is it done by the other brewery in the same way, or the agents? A. I can not tell that.

Q. But you speak for your own brewery? A. Yes, sir; certainly.

Q. Now, we have it that outside of your interest as an agent for that brewery you had no money invested in this saloon? A. No money.

Q. Did Mr. Wosner give you any reason why he wanted the license in your name, or wanted you to obtain the license for the place? A. The license was in my name when Mr. Wosner took possession of the place.

Q. You had it already? A. That license was in my name that place belonged to me when Mr. Wosner took possession of it.

Q. And you keep those places where you have licenses your name as security? A. That is all.

Q. Isn't it? A. It is the security until the place is paid for by the manager, and then I sign the place over to him.

Q. As soon as the person called the manager pays the brewery so much money for the place, then you transfer the license to him? A. I can transfer the license if I want to.

By Chairman Lexow:

Q. You do, don't you? A. We do; if the place pays for everything.

Q. And you hand it over to him?

By Mr. Goff:

Q. The license is generally kept in your name in order to insure the custom of beer there; you want to keep the saloon keeper to buy beer from your brewery? A. That is only safe, we invest the money; we invest the money in the place.

Q. You fit it up? A. We fit up everything; then we have security for it.

Q. And then the man that acts as manager, he buys it from you, and he agrees to pay you so much money in installments, that it? A. Discounts or installments.

Q. And in order to secure you — to secure the brewery — you take the license out in your name? A. Yes, sir.

By Chairman Lexow:

Q. What counsel wants to know is whether after everything has been paid for, if you do not sometimes keep the license in your name for the purpose of insuring to your business the trade of that place? A. No; the man pays the whole of what belongs to us; if he pays me what I have got on the place then I can turn it over to him.

By Mr. Goff:

Q. But until he pays it up, he is supposed to buy beer from your brewery; isn't he? A. Yes, sir.

Q. Now, do you remember this man Wosner telling you about the trouble he had with the police? A. Yes, sir.

Q. When was that? A. Well, I can not tell you the date; about three or four weeks ago; something like three weeks ago; I can not tell you the date of it.

Q. Is Mr. Wosner in court; is this Karl Wosner that stands up; is that the man that had this saloon? A. Yes, sir.

Q. What was the trouble he told you he was in with the police? A. Well, I went to the captain myself, and the captain showed me a card where Mr. Wosner had printed on that he was the proprietor of the place, and the captain closed me up on account of that; I told the captain he was not the proprietor, but he was the manager, but he said he closed me up on account of that the card showed "Gustav Wosner, Proprietor."

Q. I asked you what did Wosner say to you about the trouble he had with the police? A. He said the captain closed me up on account he told me he was the owner of the place.

By Chairman Lexow:

Q. What captain? A. Captain Cross.

By Mr. Goff:

Q. What did the captain say to you? A. Well, he said he closed the place on account of he sold under my license goods — liquors.

Q. What did you say to the captain? A. I said to the captain, the place belonged to me; then the captain showed me his card here.

Q. Showed you Wosner's card? A. Showed Wosner's card, where he said he was the proprietor of the place.

Q. And did you say to the captain you would like to see any captain of police make you close up your place when you were doing a legitimate business? A. What?

Q. Did you say to Captain Cross that you would like to see any captain in New York compel you to close your place of business as long as it was a respectable business, and you had a license for it? A. Yes, sir.

Q. You told him those words I uttered to you? A. Yes, sir.

By Chairman Lexow:

Q. Did you say that to Captain Cross?

By Mr. Goff:

Q. What did you say to the captain? A. I said to the captain that the place belongs to me, and he told me that this card showed to him that the place belonged to Mr. Wosner because Mr. Wosner had on the card printed under his name, "Proprietor."

By Senator Saxton:

Q. What else did you say to him? A. To the captain?

Q. Did you say anything else? A. I said to the captain, the place belongs to me; he says, so long as a man is there, he has no right to sell in my place; I don't want him to sell under the name of Wosner; consequently, I closed the place up.

By Mr. Goff:

Q. Did you tell Wosner that, while you had a perfect right to sell there through him as your manager, that it was better for him not to fight the police? A. I told Mr. Wosner not to fight the police?

Q. Yes? A. Well, the captain told me so long as he stay there and sells liquor under my license, he got to lock him up and get him arrested; therefore, I closed the place.

Q. That is Captain Cross you are speaking of? A. Yes.

By Chairman Lexow:

Q. Did Captain Cross say he had no other evidence than Wosner was the owner of that property, except that card? No; he did not.

By Senator Saxton:

Q. Did you see the card; did the captain show you the card?

A. Yes, sir.

Q. What did the card say on it? A. It said, "Gustav Wosner, Proprietor."

By Mr. Goff:

Q. Now, did you say to Wosner that you had so many saloon-keepers in that precinct, customers of the Ringler brewery, that you could not afford to fight the police? A. I don't know anything of the kind.

Q. What? A. I don't know that I said that to Mr. Wosner.

Q. Will you swear that you did not say that to Mr. Wosner?

A. That we could not fight the police?

Q. And that you had too many saloons buying beer from your brewery in the neighborhood that you could not afford to fight the police? A. I can not fight the police; what can I fight the police; I got to close the place up.

Q. You have got a lot of other places — customers of that precinct? A. Yes, sir.

Q. And you can not afford to fight the police because that will injure your business with the other saloons around you? A. They are all respectable places; what have the police got to do with them?

Q. And you say this was a respectable place? A. Yes, sir.

Q. And you had to close up? A. Yes, sir.

By Chairman Lexow:

Q. Did you say you could not afford to fight the police because you would have to close up your other places? A. I can not say I said that to Mr. Wosner.

Q. Will you swear that you did not say it? A. I swear I can not remember.

Q. You didn't transfer that to Mr. Wosner with the saloon, did you? A. No.

Q. You still own it? A. I still own the saloon.

Q. And the license was in your name? A. Yes, sir.

Q. And Wosner was still running it as your manager? A. Yes, sir.

Q. That is a fact, isn't it? A. Yes, sir.

By Senator Saxton:

Q. What was getting the thing together? A. That would be made a matter of time.

By Senator Saxton:

Q. Did you have a right to run the saloon at some time or to get wanted or although he said he was prepared to do anything?

Q. Did you have a right to run the saloon at some time or to get wanted although Mr. Wesner said he was prepared to do anything?

Q. Then you didn't get it? A. Well, the captain said he stopped me on account of he said he was the owner of the saloon and that he was the owner and paid the license and he wanted Wesner personally, as witness of some of the other of the place.

Q. That is what he said? A. No, sir.

Q. Then you didn't have a right to run? A. Yes, sir.

Q. I don't follow you up there. Did you say because the captain told you? A. The captain told me to close up. He didn't tell me exactly I should close up but I did it on my own.

Q. What did he tell you? A. He said that if that man there he would arrest him.

By Chairman Lenow:

Q. If Wesner stayed there he would arrest him? A. He would arrest him. I close the place up.

By Senator Saxton:

Q. He told you if Wesner remained there he would close place? A. Yes, sir.

By Mr. Goff:

Q. Wesner did pay you something on account of that? didn't he? A. I don't know anything about it; I told you transaction with Wesner was made with my counsel.

Q. You being the reputed owner of that saloon, you know a fact whether Wesner did pay any money on account of purchase? A. The transaction was made with my counsel.

Q. Did you take the license away from Wosner? A. Yes, sir.

Q. Why did you take the license away from that store; that was the store for that license; why did you take it away? A. I took it away; I wanted to close the place up.

Q. You closed the place; why did you determine to close the place? A. Well, I didn't want to have any trouble with him.

Q. With whom? A. With whom; with the captain.

Q. With the captain; well, you knew you had a perfect right to keep that place open and sell through your manager; you didn't want to have any trouble with your captain, and you took away your license? A. Yes, sir.

Q. But you let Wosner in there under a contract to sell for the purchase of that store, didn't you? A. Under what?

Q. Because Wosner agreed to purchase that store of you? A. That transaction was made with my counsel.

Q. Don't you know what the transaction was? A. No; he agreed to purchase the store.

Q. Why did you let him in there? A. My counsel made the transaction with.

Q. Don't you know that all those transactions are that the man goes in there under an agreement to buy the store? A. Well, to not buy —

By Chairman Lexow:

Q. He was there to buy the store? A. Well, buy the store; I don't know.

Q. You made the agreement to sell it to him? A. My counsel made it; I can not tell.

Q. Don't you know it; you must know what the agreement was? A. The agreement was made by my counsel with Mr. Wosner.

By Senator Saxton:

Q. Didn't you understand that Wosner was to have the store and the license was to be given over to him? A. Yes, sir.

Q. There was such an understanding, that there was such an agreement as that, that when he paid for the store he was to have it, and have the license, and in the meantime the store and license were to be yours; is that the way you understood it? (No answer.)

By Chairman Lexow:

Q. Did you understand it that way; you can answer yes or no to that? A. Well, you bring it to me again.

Q. Didn't you understand that just as soon as Wosner paid up all the money on that store, that the store was to be his property, and that you had sold it to him in consideration of what he was to pay you for it afterward; isn't that so? A. Well, now, Senator, I can not tell you what the transaction was; that is made by my counsel.

By Senator Saxton:

Q. You owned the fixtures in there when he went in, didn't you? A. Yes, sir.

Q. Did you give it up to him? A. No.

Q. Was he to have the fixtures until he paid for them? A. Yes.

By Chairman Lexow:

Q. But he was to have them when they were paid for? A. And when they were paid for.

Mr. Goff.—I think that is all, Mr. Kremer.

Karl Werner, recalled as a witness.

The chairman stated that the witness had been sworn.

Mr. Goff.—I think under the circumstances he had better be sworn, Mr. Chairman.

The witness was again sworn.

Chairman Lexow.—Which is your right name, Wosner or Werner?

The Witness.—Werner. Since I was here last June I began to change my name to start the business.

Q. Your real name is Karl Werner? A. Yes, sir.

Chairman Lexow.—He says he changed his name after he testified here in order to do business.

Direct examination by Mr. Goff:

Q. Why did you take the name of Wosner? A. I understood here before that I could not run under that name; under the name of Karl Werner.

Senator Saxton.—You remember he had been in prison and he changed his name.

Q. You have testified before this committee, have you not?

A. Yes, sir.

Q. And you have testified to paying some police officials money? A. Yes, sir.

Q. And in addition to that testimony, as to paying police officials money you testified to keeping a disorderly house in Captain Cross' precinct? A. Yes, sir.

Mr. Goff.—Now, Mr. Chairman and gentlemen, not for the purpose of entering into any disputation with the learned counsel of the police commissioners, and not wishing whatever to involve this committee or myself in any controversy with any of the police commissioners or their learned counsel, I deem it but just that what has publicly appeared in the newspapers on the several occasions, notably on last Monday or Tuesday in an interview with Mr. Wellman, a very serious misstatement of fact was and has been made and has obtained currency through the public newspapers of this city, touching the testimony of this witness and touching the matter contained in charges preferred against Captain Cross. Mr. Wosner said in substance, and it has been printed so frequently in the newspapers that it is common knowledge that Karl Werner had testified before this committee that he ran a disorderly house, that money was paid by him for protection in Captain Cross' precinct at a time when he was in the State prison. And I may say that the public journals have commented upon that as striking illustration, and the uncertainty at least of the testimony given by Karl Werner. Now, in order that the record may be kept straight, and in order that the very serious and palpable mistake which was made not by this committee or its counsel, nor by the witness, may be corrected, I deem it incumbent upon me to bring the matter to your attention this morning and to set Mr. Wellman and all other persons who are laboring under that mistake right.

Chairman Lexow.—I remember there was no such testimony as that before this committee.

Mr. Goff.— I read from the charges and specifications made against Captain Cross upon his recent trial before the police commissioners. These charges and specifications have been produced in court by Major Kipp, the clerk to the police commissioners "251." "I hereby offer and charge the said Adam A. Cross, such captain of police and a member of said force as

aforesaid, with the legal offense and the neglect of duty, conduct injurious to the public peace and welfare and conduct unbecoming an officer, in that

SPECIFICATIONS

The said Adam Cross, on or about the 20th day of April, 1892, at the city and county of New York, aforesaid, being such captain of police as aforesaid, and then and there being assigned and detailed as an officer of the police in command of that portion of the city and county of the State of New York, known as the Eleventh precinct; and the said George Smith, on the day and in the year aforesaid and in the city and county aforesaid, being then and there such patrolman of the police aforesaid, and being then and there assigned and detailed in said Eleventh precinct, did take, accept and receive of one Karl Werner, who then and there, that is the 20th day of April, 1892, who then and there kept and maintained at the premises there situate, known as No. 6 Delancey street, in the said precinct in said city, a disorderly house and a house of ill-fame and prostitution, as they, the said Cross and George Smith, well know, the sum of \$50 in legal money of the United States and the value of \$50 upon the agreement, etc., etc. for protection."

The twenty-sixth charge further specifies, briefly stated, that the said Adam A. Cross, on the 1st of May, 1892, at the city and county aforesaid, being captain of police, and a patrolman, etc., did take from Karl Warner, who then and there, that is the 1st day of May, 1892, did then and there keep a house of assignation and lewd purposes, and accepted from said Karl Werner, the sum of \$50 in money. Those are the two specifications referred to, and the statement I read has been so freely and so generously made that at that time Karl Werner was in State prison; consequently, it would be an utter impossibility to have paid Captain Cross or his wardman \$50; that is, or an official specification. Now, I read from the testimony of the examination Karl Werner had before this committee, page 2373:

"Q. And the result of your trouble with the district attorney's office was that you were sent to State prison for seven years? A. Yes, sir; to Sing Sing.

"Q. And when you had served that term and got out, what did you do? A. I went right down to Delancey street.

"Q. Where? A. No. 6 Delancey street."

It was the same saloon charged in the specifications.

"Q. What did you do there? A. Keep a house, a house of prostitution, called a lady boarding-house.

"Q. It was a house of prostitution, was it not? A. It was.

"Q. How long did you keep that house there? A. Until November.

"Q. When did you go in it? A. In January.

"Q. In January of what year? A. In January, 1893."

Senator Saxton.—And the charges and specifications are in 1893?

Mr. Goff.—Yes, sir.

"Q. And you kept it until November, 1893? A. Yes, sir."

That is from January, 1893, until November, 1893, wherein the charges and specifications presented by the learned prosecutor and counsel of the police commissioners in those trials, alleged Karl Werner testified in 1892.

Senator Saxton.—Do you know whether there is any testimony to support that before the commissioners?

Mr. Goff.—No, Senator. This is one of the complaints made against this testimony before this committee having the effect of awakening the testimony adduced before this committee. Because they wanted to put new proof to sustain these charges and specifications, and they were met by the fact, and they brought down, with great display to prove the fact, Detective Jackson from the State's prison, to prove that at the time the alleged bribe was made in 1892, this witness who was supposed to testify to that was in State's prison. Now, you have heard the testimony here that this witness never testified to the fact; that he came down out of prison, went into the saloon in 1893, and continued there from January, 1893, to November.

Senator Saxton.—Does he say when he came out of prison, in his testimony? If not, he can testify to the facts now.

Mr. Goff.—And as my associate suggests to me, in order to emphasize the contradiction they allowed Detective Jackson to go on the stand and swear to that fact, that Mr. Werner was subpoenaed up there and examined as a witness. He was the Tombs, and, under the circumstances, was adduced in that specification, and that they put in evidence to contradict that which did not succeed.

Chairman Lexow.—Evidence on the part of the prosecution the defense?

Mr. Goff.—The defense, although Mr. Wellman offered to withdraw that specification, finding it could not be supported by proof.

Senator Saxton.—Was there any testimony at all with regard to these specifications before the commissioners; was there any testimony at all?

Mr. Goff.—Not a particle.

Senator Saxton.—They didn't appear to use those specifications or those charges?

Mr. Goff.—No; not to sustain them; the reason why is set forth here. I read from an interview, headed: "Wellman taken back," which appeared in the New York Recorder, last Monday, that is, September 10, and by strange circumstances, Mr. Wellman says, Captain Ryan did succeed him. The second sample of worthless evidence is that in which Karl Werner testified that he had paid Captain Cross and Wardman Burns money on or about the certain date, when investigation showed that Werner had been in State's prison for seven years for perjury and was not in prison for nine months after the date mentioned. "You may recall how, in our trials before the commissioners, was so frequently suggested to me that I put Mr. Werner on the stand. I knew the facts mentioned above although I did not learn them from the Lexow committee," added Mr. Wellman laughingly.

Chairman Lexow.—It might have been better if he had studied the record more carefully.

Mr. Goff.—I will say that Mr. Wellman had and kept a copy of all the testimony taken before the committee, in his possession. I may say, further, that I was present at the preparation of some of the charges and specifications taken from that worthless evidence. I read further: "Candidly, I shudder, when I recall some of the testimony that was accepted and spread before the public by the Lexow committee; I now want to cite one or two cases in order to show the kind of evidence." And this is the case he cites.

Senator Saxton.—Other people shuddered also.

Mr. Goff.—And the fever and ague has not abated one jot, Senator.

By Mr. Goff:

Q. Now, Mr. Werner, did Mr. Wellman, assistant district attorney, ever talk with you in the Tombs or send any person

to talk with you, regarding the preparation of these specifications and charges against Captain Cross? A. He did not, sir; neither did he come; it might be he had some spite in it.

Q. No; I don't want that; just confine yourself to the questions I ask you; were you examined or questioned? A. No, sir.

Q. Wait a moment; were you examined or questioned by any officer, or any person, in connection with the preparation of these charges against Captain Cross? A. No, sir.

Q. Were you ever interviewed by any official or questioned in regard to that? A. No, sir.

Q. You were in prison, in the Tombs, at the time? A. Yes, sir.

Q. And, so far as these specifications are concerned — these two specifications which allege that you said that on the 20th day of April, 1892, and on the 1st day of May, 1893, that you gave bribes to Captain Cross or his wardman for keeping a house of ill-fame, at No. 6 Delancey street — did you, ever say that to any person? A. I never said that, and when I left the court here, I said to Mr. Chairman, I said the paper may talk it 1892; Mr. Chairman said, "Don't mind what the papers say;" I said that the next day and the chairman will probably remember that.

Senator Saxton.— I understand the papers said the next day, he had mentioned 1892.

Mr. Goff.— In fact the newspapers mentioned the year 1892. Of course, I do not wish to insinuate that these charges and specifications were prepared from the newspapers and not from the official record of the testimony. I do not mean to say that. Now, I wish to repeat again, gentlemen, that it is with no purpose or object to produce any collision or clash between the learned counsel for the commissioners or the commissioners and this committee and its counsel. I deem it a duty developing upon me as counsel of this committee to place this matter on record straight, and let the blame rest where it legitimately belongs. It doesn't belong here.

The witness.— This is what the Sun said a few days ago. (Producing slip of paper.)

Mr. Goff.— Mr. Moss suggests to me, gentlemen, that from the further examination of these charges and specifications, that the same mistake runs through the whole of them for all the months in the year 1892.

By Mr. Goff:

Q. As a matter of fact you were in prison in 1892? A. Yes, sir.

Q. When did you leave State's prison? A. I can not remember; it was in 1892, about Christmas.

Q. About Christmas, in 1892, and you went into this disorderly house in January the year following, in 1893? A. Yes, sir; I may have been in a few days before the new year.

Q. You had been a few days in 1892? A. Anyhow a few days.

Q. Now, Werner, you are a prisoner now in the Tombs? A. Yes, sir.

Q. I want you to raise your voice? A. Yes, sir.

Q. How long have you been a prisoner in the Tombs? A. Over one month.

Q. Are you under indictment? A. I am under indictment, sir.

Q. You have been unable to obtain bail, I believe? A. I have had bail three or four times.

Q. Now we come to that later?

M. Goff.—His counsel, Mr. Sedgwick, is in court, gentlemen, and his counsel of course informs me that his client, being under indictment, he is necessarily anxious as to the extent we may go in questioning him upon the subject-matter of the indictment which he is under, so we will try to recognize, Mr. Sedgwick, your rights, and your client's rights.

Q. What were you arrested for? A. For an attempt at bribery.

Q. Now tell us where you kept this saloon? A. I kept the saloon in Avenue B, corner of Fifth street.

Q. Was this the saloon that Mr. Kremer testified to? A. Yes, sir.

Q. He testified that the license of that saloon was in his name? A. The license was in his name.

Q. And how did you come to get into that saloon? A. Because I had a saloon from the brewer; he owned that license; he took that license out a month or two months previously; the license ran almost 11 months longer.

Q. You took the saloon from the brewer? A. Rented it from the landlord.

Q. And rented the place from the landlord? A. Yes, sir.

Q. The license for that saloon was in the name of Mr. Kremer, agent of the brewery? A. Mr. Kremer.

Q. How much did you pay the brewer for that license? A. I didn't pay the brewer because I rented that place, and I said to the brewer you can take your stuff out and I get my own furniture; the brewer said keep that furniture in, and we will come to an understanding.

Q. By the stuff you mean furniture and fixtures? A. The fixtures.

Q. What was the understanding you arrived at; what agreement did you make? A. Well, I should keep the stuff in the bar and the back bar and the front bar, the chairs and tables.

Q. What were you to pay the brewer for that stuff? A. Nothing; the place was mine; the place didn't belong to the brewer, only the furniture belonged to the brewer.

Q. What did the brewers ask you to do because they left their stuff in? A. The brewers said, "We keep the mortgage on them."

Q. Keep what? A. Hold the mortgage on it.

Q. You bought your beer from the brewer, didn't you? A. Yes, sir.

Q. How long were you in that saloon before you were disturbed by the police? A. Ten or 12 days.

Q. Ten or 12 days; were you known around that neighborhood as a witness that had testified before the Lexow committee? A. Nobody did know me about that neighborhood.

Q. Were you known to the police? A. The police did not know me.

Q. That is when you went into the saloon? A. When I went into the saloon.

Q. Did you have a bartender? A. Yes, sir.

Q. What was his name? A. Hugh McCormick.

Q. Where is your bartender now? A. He ran away.

Q. Why did he run away? A. I guess he stuck together with the police; I don't know.

Q. Did he run away from you after your arrest? A. Yes; he ran away with all my personal effects I got, and my suits in the wash and my watch and everything.

Q. While you were in prison? A. While I was in prison.

Q. Will you tell us about the arrest that was made in your saloon? A. The detectives came in after 9 o'clock a little.

Q. What detectives? A. Mr. Cohen, and I don't know the other man.

Q. Arfken? A. I think it was Arfken; I am not sure; one was a big fellow, and was in black, and looked like a bum.

Q. They came in civilian dress? A. Yes, sir.

Q. What did they do? A. One of them asked the bartender for a drink.

Q. Was this on Sunday? A. On Sunday; I was not in.

Q. You hear any part—you heard in particular what took place? A. Yes, sir.

Q. Now tell us? A. Well, I went out this evening and told the barkeeper to be very careful and not let anybody in except he knows him very well, but I guess he did not mind that much, and I was away and I came back a little after 10 o'clock; as soon as I was in the door, I see the detective come in; I cautioned the barkeeper and says, "Now, how can you do that, can't you see that man is a detective, when you look at his feet; look at his shoes;" I say, "For God's sake—"

Q. Will you say, Mr. Werner, is there anything particular peculiar about the detective's feet that enables you to recognize him? A. I guess they generally wear No. 14, with high thick soles on it; this man he claims to know everyone, and I am very nearsighted and I saw at once when I looked at his shoes.

Q. The bartender claimed to know everyone? A. Yes, sir.

Q. Go on, tell us what took place? A. I stood beside him and he didn't see me; I said bartender, "For God's sake don't give him a drink;" and when he said, "Give me a drink," he didn't give him a drink, and he said, "I have nothing except soft drinks and Weiss beer."

Q. He told this man? A. Yes, sir; as soon as he said that the man said, "Never mind, come along with me; he let one in before that."

Q. Your bartender let one in before? A. Yes, sir; the first man stood on the corner and had his drink all right.

Q. Did he pay for it? A. I don't know as to that; I just came in.

Q. This man that was there before you came, was that the man that said "Come along, all right, I will take you in?" A. No; the first man.

Q. Was that Cohen? A. I think that was Cohen; I am not sure; they both looked like big fellows.

Q. Did the officer make the arrest? A. Yes; I think it was Cohen; well, the officer took him along and then said, "Take your hat and go."

Q. And brought him to the station-house? A. Yes, sir.

Q. Where did you go? A. He didn't see me because I was near the door.

Q. Didn't see you? A. I just came in; I was not undressed and wanted to take my cuffs off; I saw the bartender put on his cuffs and I knew at once what it was.

Q. Did you go to the station-house? A. No, sir; I went later to the station-house.

Q. Who did you see at the station-house? A. One captain was there from up town.

Q. A captain from up town? A. I guess it was the sergeant, but he had the captain's place.

Q. Who was the captain at that time? A. Captain Cross; but the detective told my barkeeper outside; I guess it was Cohen or the other man, he says, "I am only sorry that we have to make you that trouble; we didn't go for you; we were after the old man;" he meant me.

Q. You mean the detective said that? A. Yes, sir; he said, "We have to take you along; that is the reason we went so late; we came after 9 o'clock, as we know you go home every evening at 9 o'clock, and that Werner is staying there—the bar."

Q. Then they took him along because they could not get you? A. Could not get me.

Q. Did you get your bartender out that night? A. I had a lot of trouble to get him out; it was after 2 o'clock, I guess, after I got him out.

Q. On bail? A. On bail.

Q. Now the next morning at the police court, did you go there? A. I was there.

Q. And you talked with these policemen, I believe? A. Yes, sir.

Q. Now, was it at the police court that the policemen accused you of attempting to bribe them? A. In the police court, the corridor, just as if you stood here outside from the door.

Q. Was there anything said in all of these transactions about your having been a Lexow witness? A. No, sir; they did not say anything, but the bartender told me that they know everything.

Q. That they know everything about you? A. Yes; everything, because a few days afterward the bartender was in the office, and they tried to pump him, and he said, "I know everything about your boss."

Q. Referring to you as boss? A. Yes; and he had some papers with him.

Q. Was that a few days before the arrest? A. About three or four days before the arrest.

Q. What did your barkeeper go to the captain for? A. I had some trouble with the ice, with the soda-water stand, as there was a poor fellow had paid \$10 rent, and the police captain told him to take that away, and to send for me then, of that was my stand, and I said, "No."

Q. Asked you what? A. To send for me so as to find out if it was my stand; I said, "No it belongs to the poor fellow outside, and he paid \$10 rent a month, and I guess I will let him stay here too."

Chairman Lexow.—I would get all that about by the interview between the bartender and Captain Cross.

Q. What took the bartender down there? A. The captain sent for me again; I don't know what for; I was there and was not.

Q. You say the captain sent for you again, and you don't know for what? A. I should come down to the station—how well, I was there, but he was not in; it was about 5 or 6 o'clock so when the bartender left—he generally left the place about 9 o'clock—said, "Mack, go right into the captain and get what he wants, because you go over that way;" so McCormick went in, and told me then it was about the stand; that that man was to take the stand away, and there was no help; McCormick said, "The captain took me inside in a little room, and showed me the old papers about you, that you had been before the Lexow committee, and told me you were Werner, and he told me I had been in prison once too."

Q. Told you what? A. That the bartender had been in prison once; he said, "I done all the best I could after that; I could not deny it, as I see he was sure; I told him he need not be afraid of you, as he won't go against you, inasmuch as he knew you had never been against him; and he thought it was all right, and there would not be any trouble."

Q. Now, were you arrested immediately when the policeman charged you with having attempted to bribe them in Essex Market police court? A. No, sir.

Q. Did they arrest you right away? A. They did not; they arrested me about 5 o'clock or half-past 5.

Q. What time in the morning was it you were in the Essex Market police court? A. About half-past 9.

Q. In the morning? A. Yes, sir.

Q. And you were not arrested until 5 o'clock in the evening? A. Yes, sir.

Q. And was there a warrant produced on your arrest? A. The captain sent down to me in the store, I was to come to the station-house; well, I was a little busy inside, and I did not go at once, and I came a litle later, and just as I came from the store, he sent two detectives more, I guess, to fetch me on time; and they told me, "The captain is waiting for you;" and I told them I was on the way to see him; and I went down to see him, and Officer Cohen was there, and some other officer, and he asked me, "Werner," he said, "This Officer Cohen tells me that you gave him a \$5 bill, that he should —"

Q. A \$5 bill? A. Yes; that he should work easy with your barkeeper and not make a charge for selling whisky, but make it "exposure."

Q. Exposure? A. Yes, sir; I says, "I did not; I never gave him a dollar; neither did he give me anything."

Q. "I never gave him a dollar, and neither did he give me anything?" A. Yes, sir.

Q. Then what took place? A. Then he said he had a warrant here; he said, "I have a warrant here from a judge;" I don't know which judge — and he says, "We have to keep you here."

Q. A warrant; did he show you a warrant? A. He showed me a newspaper; I don't know whether it was a warrant; he said it was a warrant.

Q. Had you a conversation with Captain Cross about the license of that place? A. Yes, sir; on Saturday night, the last Saturday before I was arrested.

Q. That is, Saturday before? A. Sunday; he sent for me and I was there twice too, and once I did not see him; and so I came about 9 o'clock in the evening or 10 o'clock; so he asked me if I was proprietor of that place.

Q. If you were the proprietor? A. He knows that before, because he seen me before already; I said, "Yes," he says, "I don't want to have any trouble with you; I want to treat you nice, and you don't want to have any trouble with me;" I was surprised he talked that way with me; he said, "I want you to go home and close your place;" I said, "Why, I have a license that runs 11 months."

Q. You said — A. He says, "I have an order to close you place;" he said, "I don't do it;" I have an order to close you place; if you don't close it, I must arrest you;" well, I couldn't close it on Saturday evening, the best night in the week; I said, Captain, you do me one favor for me, and allow me to keep open to 12 o'clock to-night, and in the meantime I will see what can be done;" he said, "All right, keep open, but Monday morning I want you to close, and if the place is open, I come and arrest you."

Q. He allowed you to keep open while he threatened to close you up immediately; he allowed you to keep open until midnight Saturday night? A. Yes; to show he wanted to treat me nice.

Q. That was after he had seen Kremer? A. No; Kremer seen him Monday, because I sent up at once to the brewery; Kremer came in by accident before the brewery could send him down, and Kremer looked around and seen the place was very quiet, no business, and said, "what is the matter?" I said, "So and so, is it; the captain made me close the place; he said, "I want to see who is that; 10 captains could not close me;" he says, "The license is mine, and you are my manager here, and you keep right open," and he sat down and cooled off a little, and he said, "I tell you one thing, "it might be better we go to the captain and see him;" and I said, "Yes," and we went in his carriage to the station-house, but the sergeant was there, and not the captain, and he said, "Sergeant, what is the matter with this place here? This license is my own; this man is my manager; and he wants the place pulled; why should you close the place?" The sergeant said, "I don't know anything about it; you wait until the captain comes; come around about 4 o'clock and he will be here again;" so we went away; he said, "Isn't it enough for you if I prove to you I am Mr. Kremer, and the license is in my name, and this man is manager;" he said, "Why should he close?" He said, I don't know; that is the orders; I don't know anything about the business;" so he went to the captain about 4 or 5 o'clock again, and he met the captain and I seen Mr. Kremer about 6 o'clock, something like this; he said, "Well, close, do not open, but I guess it will be all right by to-morrow;" the next day he came — it was on Tuesday — he came, and he says, "Well, it is no use;" he was very downhearted when he came.

Q. Who? A. Mr. Kremer; he was quite another man; he said "It is no use to fight the police; I am sorry for you; give

hat license;" I said, "What am I going to do without a license?" I said, "You know I took the place and wanted the license;" he said, "I am sorry for you; you know we can not stand, that we have a lot of customers around; you can not keep open this place here; if we go against the police, all my customers will be bothered every Sunday; you know we can not stand that; you get somebody to buy this place here and we will transfer the license over to this man, so you don't lose anything, no matter what price you get for that place.

Q. Did you ever have any understanding with any of the counsel here for this investigating committee, that you would produce further evidence when they resumed their sessions, about payment for disorderly houses? A. Yes, sir; I said, "If I was out, I would," and I could, because I have witnesses that I am not able to bring in this city now.

Q. You were instructed by counsel for the committee to procure such evidence for our examination? A. Yes, sir; but when I started this business, I hadn't no money and I dropped it; I knew very well I would be called again before the committee; and I said, "If I have three or four days' time, I will get my witnesses."

Q. Had you said anything to counsel about being able to produce further evidence against Captain Cross? A. Yes, sir; I said that I would be able to produce some evidence against Captain Cross.

Q. Did Captain Cross know that? A. Well, I guess he knew that; the way it is now, I do not trust the barkeeper; I guess that barkeeper told him — was two-faced; of course, the barkeeper knows; I told the barkeeper that many times; "You see I can not testify against Captain Cross, but I believe I would be able to produce some evidence on the stand that would be very hard for him."

Q. Could you name the witnesses? A. I did not name the witnesses, but I guess he knew.

Q. Did Captain Cross know the witnesses you said you could produce, or that you could produce? A. Well, surely he expected that I knew her.

Q. What is that witness's name? A. Raynord.

Q. What is her first name? A. Mary.

Q. Mary Raynord? A. And I had another witness from No. Delancey street; but I could not get them from any circum-

stances now, because they are out of business and keep a laundry business.

Q. Now how much were you held in bail at first at the police court? A. Two thousand dollars.

Q. Wasn't that bail fixed at a lower sum than that? A. One thousand dollars first.

Q. And then it was raised to \$2,000? A. It was.

Q. Simply, first your bail was fixed at \$1,000 and then raised to \$2,000? A. Yes.

Q. Then you have been unable to produce bail since? A. A thousand dollars I had once; when I was under \$2,000, I had \$1,000.

Q. They put in bail for \$2,000? A. Yes; and that two days I was out, that is a thing that happened with the license in the mean time; well, one day—that was on Thursday, I left my place; two detectives stood out; it was 5 o'clock or half-past 5.

Q. In the evening? A. Yes, sir; and they called me down in Fifth street and Avenue A, or First avenue—Avenue A—they called me by name, and I looked back.

Q. What name did they call you by? A. I guess they called me Wosner; and as soon as I looked back, I saw a paper, and I thought I had been surrendered.

Q. Who went your bail first? A. Epstein.

Q. What business is he in? A. He is in the coal and wood business.

Q. Was he a friend of yours? A. He was not a friend of mine, but a friend of mine induced him to do it.

Q. Induced him by money? A. No, sir.

Q. Did he give you any reason why he surrendered you? A. Well, he did not give any reason, but the other man told me, he said, "I guess the police is too hot for him."

Q. What other man is that? A. The friend of mine, who presented him.

Q. The friend who induced him to go on the bail? A. Yes, sir.

Q. And since you have been surrendered you have been in the Tombs? A. Yes, sir.

By Chairman Lexow:

Q. Did this man claim he bailed you out from that statement to him? A. No, sir; he did not.

Q. It is merely supposition on your part then? **A.** Everybody said that to me. (The statement referred to was stricken out.)

Chairman Lexow.—Is your object, Mr. Goff, to prove interference by the police with witnesses who had testified before the committee?

Mr. Goff.—Yes, sir.

Chairman Lexow.—I notice in to-day's Herald a statement which seems to be, if anything, stronger than the facts in this case, and that is with reference to Mayston and Mayston's being pursued from one precinct to another and one district to another. It seems to me that matter should be considered.

Mr. Goff.—We will send for him. He will be around in court this afternoon.

Chairman Lexow.—You consider they bring themselves within the charge of criminal contempt, when they do that, do you not?

Mr. Goff.—Yes, sir; and intimidation and threatening of witnesses, which is a penal offense.

Henry Cohen, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—You consider the oath you have taken binding on your conscience, do you? **A.** Yes, sir.

By Mr. Goff:

Q. You are one of the officers that arrested Wosner's bartender? **A.** Yes, sir.

Q. Did you make the arrest? **A.** Yes, sir.

Q. Were you in citizen's clothes, officer? **A.** Yes, sir.

By Chairman Lexow:

Q. In the bar-room? **A.** In the bar-room.

By Mr. Goff:

Q. Isn't that against the regulation of the police? **A.** He is in citizen's clothes.

Q. Aren't you aware that there is a rule of the department at prohibits going into saloons in citizen's clothes? **A.** No,

Q. Did you ever hear such a rule was passed? A. I don't know; I was sent by the captain to make the arrest in citizen's clothes.

Q. And you went to obey the orders of the captain? A. Yes, sir.

Q. You say you were sent to make the arrest? A. Yes, sir, if possible; if he was doing any business.

Q. Well, officer, were you not aware, before the captain sent you — weren't you aware of a rule of the department which prohibited officers from going into saloons in citizen's dress?

A. No, sir.

Q. To obtain evidence against violators of the Excise Law? A. No, sir.

Q. You were not aware of such a rule? A. No, sir.

Q. You received orders from your captain and you obeyed the orders? A. Yes, sir.

By Chairman Lexow:

Q. Do you know there is such a rule now? A. I believe I read something in the paper the other day about it.

Q. And never knew it before; how long have you been on the force? A. Not quite two years.

By Mr. Goff:

Q. Now, officer, tell us what the captain said to you? A. He told me that he had heard there was a saloon at No. 76 Avenue B, and that they were running without having a proper license, and told me to go around, and if I found they were doing business, if the place was open, to make an arrest.

Q. That was on Sunday, officer? A. This was on Sunday; yes, sir.

Q. Well, of course, you were well aware that even if the place had a license, and if they were open and doing business, it would also be a violation of the law? A. Yes, sir.

Q. You are aware of that fact? A. Yes.

Q. Which was it the captain sent you to obtain evidence on, which question; whether they were selling without a license, or whether they were violating the Excise Law on Sunday? A. He told me, if they were open to make an arrest.

Q. He told you if they were open to make an arrest? A. Yes, sir.

Q. And did he tell you to obtain evidence? A. No, sir; it is usual in making excise arrests to have a look at the license, and I asked the bartender for his license; he told me the proprietor had the license; I asked him where; he said, at his house; I told him the proper place for his license was to have it exposed where they could be seen by the public.

Q. That is proper? A. He had a conversation with a man, which I afterward found out was Karl Werner, and Mr. Werner went to the safe and took out the license and showed it to him, and the license was issued to Henry Kremer, class 2 license, etc., on June, 1894, and it expired the 8th of June, 1895.

Q. And didn't this Wosner claim he was manager for Kremer? A. No, sir; he did not say whether he was, or anything else; I didn't know whether he had any connection with the place.

Q. But you saw him open the safe? A. Yes, sir.

Q. And take out the license? A. Yes, sir.

Q. And you heard the bartender say he was the proprietor? A. He said the proprietor had the license at his house.

Q. This man came in shortly afterward? A. I don't know whether he was in the place at the time or not; he was in his shirt sleeves.

Q. You saw this man go and open the safe and take a license out? A. And take a license out.

Q. And show it to you? A. Yes, sir.

Q. Do you mean to say he did not tell you he was manager? A. No, sir; he had cards printed as proprietor.

Q. Didn't he say he was manager for Kremer? A. No, sir.

Q. When you were sent by the captain, were you sent out generally to make excise arrests? A. Sometimes.

Q. At this particular Sunday? A. Yes, sir.

Q. He named this place particularly? A. Yes, sir.

Q. Did he name any other place? A. No, sir; he did not name no other place particularly.

Q. Did he name any other place particularly except this place? A. No, sir.

Chairman Lexow.—Just ask him whether he had gone before without uniform to make some arrests.

Q. Had you gone out before in civilian dress to make arrests? A. Yes, sir.

Q. Did you make any other arrests that Sunday night? A. No, sir.

Q. This was the only arrest you made that Sunday night? Yes, sir.

Q. You know, officer, that liquor stores all around there w violating the Excise Law? A. I saw none myself.

Q. Don't you know, officer, now that there is not a liquor st in that precinct that does not sell on Sunday? A. Not to knowledge.

Q. Not your personal knowledge; I won't say you could kn and have knowledge of it, but I will say, as matter of comm rumor, in that precinct, isn't that a fact? A. I don' know it is any more in that precinct more than any other precinct; is public rumor; I don't know whether it is so or not.

Q. Have you tried to find out whether it is so or not? Yes, sir.

Q. In civilian's clothes? A. Yes, sir; and made arrests.

Q. Did you read Superintendent Byrnes' report? A. Y sir.

Q. Did you read in that report that there was 65,000 v tions of the Excise Law observed by the detectives in this e where there was no arrests made? A. Yes, sir.

Q. And as a matter of fact there is a liquor store next d to the station-house? A. Yes, sir.

Q. Have there been any arrests to your knowledge made that liquor store within the past year? A. I don't know.

Q. Did you ever make an arrest in that liquor store? A. I sir.

By Chairman Lexow:

Q. Or attempt to? A. I have attempted to; yes, sir.

By Mr. Goff:

Q. In uniform? A. No, sir; in civilian's clothes.

Q. You could not get in? A. No, sir.

Q. Of course the man who keeps the store next door to station-house knows all the officers pretty well? A. I suppose

Q. Now, officer, after you have made this arrest on that nigh Mr. Goff.—I should say, if you will pardon me, Mr. Chairm that, in relation to this matter, I see District Attorney Fell here that on request from me, in Carl Werner's case of difficulties concerning his obtaining the bail and reports that bondsmen proffered in the district attorney's office were

accepted and obstructions placed in the way, District Attorney Fellows issued an order to accept any good bondsmen that would come, and he reduced it to \$1,500 at my request; and as matter of justice I intended to state that before; it escaped my mind.

Q. Now, officer, the next morning you went to court? A. Yes, sir.

By Senator Saxton:

Q. I understood you to say when the captain sent you down there that he told you he understood this man was selling without a license? A. Without a proper license.

Q. He did not tell you to find out whether he was selling on Sunday? A. He said, if he was doing any business whatever to make an arrest.

Q. He didn't say anything about Sunday? A. No, sir; not particularly.

Q. He did not say anything about your looking to see if other places were open? A. No, sir.

Q. Simply told you to go down to that place? A. Yes, sir.

By Mr. Goff:

Q. Now, officer, next morning you went down with your prisoner to Essex Market police court, did you not? A. My prisoner was bailed out; I went down to Essex Market police court.

Q. To attend to the case? A. Yes, sir.

Q. Did you see Karl Werner there? A. Officer Fay told me there was some one wishing to see me, and I said they could see me in the court-room, and I was standing there when Werner and his bartender came in; McCormick went in the court-room and Werner came up to me and said, I want you to make it easy with him, and I will see you in the morning; at this conversation in the court-room he said, "Be easy with him, and make it exposure instead of selling;" and at the same time he slipped something into my hand, which I found was a \$5 bill.

Q. Now, when he slipped something into your hand, did you see the thing that he slipped into your hand? A. I felt it.

Q. Did you feel that it was money? A. I had no idea what it was.

Q. You felt something soft? A. Yes, sir.

Q. Well, you knew it wasn't gold coin he slipped into your hand, didn't you? A. Yes, sir.

Q. Or a check; you knew it was not a check, did you from the feel of it? A. Well, it did not feel like stiff paper or new paper.

Q. So you believed when this thing was dropped into your hand that it was money? A. I thought it was money.

Q. Well, what did you do with it, officer — this thing? A. I opened it out and showed it to the officer who was with me at the time.

Q. Which hand was it put in? A. My right hand.

Q. In what position was your right hand when this thing was put into it? A. Very near — well, it was in the position of my right hand; he was standing a little this side of me.

Q. You was nearer his right hand? A. I was nearer his right hand.

Q. Had you anything in your right hand? A. No, sir; nothing before he put it there.

Q. Was your hand in a position with the fingers extended? A. No, sir.

Q. So? (Indicating.) A. I don't know; I didn't take much attention.

Q. That was the usual position of the hand, wasn't it? A. Generally, by my side.

Q. Stand up and show how you hold your right hand? (The witness stands up.) A. Like that.

Q. I see your right hand is further extended from your side than your left. (As the witness shows his hand hanging down by his side.)

Q. I didn't get through with you yet, officer; will you please resume the same position; I notice further that the fingers and thumb of the right hand are more widely extended, and that they are a little inclined backwards, while the fingers of the left hand are closed and nearer to your coat; now, is there any reason for that distinction, officer? A. No, sir.

Q. No reason? A. No reason whatever.

Q. Now, that will do, officer; you sit down; now, your right hand being in the position that you have described it, and if something slipped into it, it would have fallen out of your hand, if your fingers had not closed upon it, wouldn't it? A. Yes, sir.

Q. So that, as soon as you felt the soft substance going into your right hand, your fingers mechanically closed upon it? A. I closed upon it.

Q. Now, after the fingers of the hand closed upon this object that had been placed into it, you squeezed it a little, didn't you?

A. No, sir; not particularly.

Q. But you exercised sufficient pressure to enable you to determine it was soft all the way through? A. I don't remember whether I did or not.

Q. Don't you remember if you did? A. Yes, sir; I took the bill and opened it.

Q. Now, will you stand up again, officer; put your hand in the same position you put it before; now, will you, please, describe to us with your left hand; I wish Senator Saxton would look at the position; will you, please, describe to us with the left hand how the thing was done, and whether it was pushed into your hand from the front or from the rear? A. I am trying to explain as well as I can remember; he just put his hand in mine that way, and I seen what it was, and opened the bill and showed it to Officer Arfken.

Q. You felt it before you saw what it was? A. Yes, sir.

Q. And as you said before, you just opened your fingers sufficiently to retain it in your hand? A. Yes, sir.

Q. Officer, just hold your hand there; suppose I put that in your hand there; (putting bill in witness's hand); no, you grab your fingers on it; let your hand remain in your former condition; you understand what I mean, don't you? A. Yes, sir.

Q. Suppose I put that in your hand there; give the slightest movement (the witness moves slightly); see, it will fall? A. Yes, sir.

Q. Now, this thing that was put into your hand by this Werner would have fallen if you had not closed your fingers upon it? A. I suppose so.

Q. That is it; and when you loosed your fingers, and felt the object, you turned around and saw what you had? A. I opened it in front of Officer Arfken.

Q. You opened the bill? A. Yes, sir.

Q. Was the bill crumpled? A. It was closed up, folded up.

Q. Was it something like that bill now? A. Something like that.

Q. So if it had remained in its crumpled condition, you could not have told the denomination of the bill? A. Hardly.

Q. And in order to enable you to see what the amount of the bill was, you opened it? A. Yes, sir.

Q. And you opened it, and after you opened it, and found it was a \$5 bill, you showed it to Officer Arfken? A. I called Arfken's attention before I opened it.

Q. How did you call Officer Arfken's attention? A. I said, "Did you see this, George?"

Q. You said, "Did you see this, George?" A. Yes, sir.

Q. What did George say? A. He looked at it, and did not say anything.

Q. What did you do when you said to George, "Did you see this?" A. I asked him whether I should bring it before —

Q. No; what did you do, not what you said; when you said, "Did you see this," what movement did you make? A. I opened the bill, while speaking.

Q. You said, in opening the bill, you said, "George, did you see this?" A. Yes, sir.

Q. And at the same time exhibited to him the thing which you called a \$5 bill? A. Yes, sir.

Q. What did George say? A. I asked him whether he would not think it advisable to take it right —

Q. What did he say when you asked him if he had seen that? A. He made no answer.

Q. So, as far as you know, and as far as George said at that time, you could not swear that Officer Arfken saw the thing, as you call it? A. He told me he did see it afterward.

Q. At the time you asked him if he did see it, he said nothing? A. I don't remember him saying anything at the time.

Q. How long after did he tell you he had seen it? A. While talking about it.

Q. While talking about it? A. Yes, sir.

Q. Now, after you said, "George, have you seen this?" what next did you say; who was the first that spoke? A. I was.

Q. What did you say? A. I asked him whether he thought it advisable to arraign Wosner before the judge at once, or to consult with the captain.

Q. Where was Wosner at that time? A. He was standing there.

Q. You did not turn around and say anything before you said this to Officer Arfken? A. No, sir.

Q. The first thing you said to Officer Arfken was, "Do you think it advisable to arraign this man before the judge, or wait until we consult the captain"? A. Yes, sir.

Q. What did Arfken say? A. He thought it advisable to consult the captain.

Q. Did you understand what that was meant for, officer? A. No, sir.

Q. Then, if you did not understand what that was meant for, what did you propose to arraign him before the judge for? A. I did not want to take the responsibility of the arrest on my own shoulders.

Q. If it was a harmless thing, why did you ask your brother officer, if you had better arraign him before the judge? A. I did not think it a harmless thing.

Q. What did you think it was? A. A criminal thing; a bribery.

Q. Bribery for what? A. To give false testimony on the excise case of his bartender, McCormick.

Q. And that false testimony was what, officer? A. I should make the case exposure instead of selling.

Q. Now, you were all in court? A. Yes, sir.

Q. Who were in the group? A. In the corridor?

Q. Did this take place in the corridor of the court-rooms? A. In the corridor of the court-rooms.

Q. Who were in the corridor? A. Only the three of us.

Q. Yourself and your brother officer and Wosner? A. Yes, sir.

Q. You knew—you are an intelligent man, possibly unusually so for a patrolman—you know, officer, that an offer of money or thrusting money into your hands for the purpose of bribing you to commit perjury, that that was a great crime; didn't you? A. Yes, sir.

Q. You knew that right away? A. Yes, sir.

Q. And you knew that crime was committed in your presence? A. Yes, sir.

Q. And you know policemen's duty well enough to understand you have the power to arrest without warrant any person who commits a crime or attempts to commit a crime in your presence? A. Yes, sir.

Q. You know that? A. Yes, sir.

Q. That is not only the law, but the rules of the department? A. Yes, sir.

Q. This man you knew committed a crime, as far as you understood it, in your presence; didn't he? A. Yes, sir.

Q. When he committed that crime in your presence, why didn't you lay your hands on him and arrest him for felony?

A. That was the first case I had seen or heard of, and I did not want to take that responsibility, and I did not want to interfere with him on account of his being a Lexow witness.

Q. You were aware he was a Lexow witness? A. Yes, sir, I was.

Q. How did you become aware he was a Lexow witness? A. Officer Arfken told me the night before making the arrest.

Q. Where was it he told you? A. In the station-house.

Q. What did he say to you? A. He said the man that produced the license was Karl Werner.

Q. Then you recognized who Karl Werner was? A. Yes, sir.

Q. And there was some talk about it among your brother officers about it that night, in the station-house, him being a Lexow witness? A. No, sir; I don't remember any conversation.

Q. Suppose Werner attempted to pick your pocket in the corridor that morning, and you found his hand in your pocket, trying to take your watch out of it, wouldn't you have promptly arrested him? A. I might have.

Q. Whether he was a Lexow witness or not?

By Chairman Lexow:

Q. You certainly would, wouldn't you; if a man had attempted to pick your pocket, you would have arrested him on the spot? A. If I caught him with his hand in my pocket.

By Mr. Goff:

Q. If you had seen him put his hand in the pocket of any other person, you would have arrested him at once, wouldn't you? A. Yes, sir.

Q. Without regard to his being a Lexow witness? A. Yes, sir.

Q. The law says the crime of bribery is worse than the crime of larceny from the person, and the law saying that, why didn't you arrest him for a graver crime than picking of pockets? A. I did not want to take the responsibility on my own shoulders.

Q. If you had taken the responsibility of arresting a person picking a pocket on your own shoulders, why wouldn't you take the responsibility in this case? A. I would have had a complainant there.

Q. You said you would have arrested him if he put his hand in your pocket? A. Yes, sir.

Q. Then you would have been the complainant? A. Yes, sir.

Q. Precisely as in the bribery case? A. Yes, sir.

Q. Why wouldn't you arrest him on the bribery case if you would have arrested him for picking the pocket? A. In his same condition I would have consulted with the captain.

Q. And you would have consulted with him because this man was a Lexow witness? A. Yes, sir.

Q. If he was an absolute stranger, you would have arrested him anyhow? A. Yes, sir.

Q. What was there in the character of his being a Lexow witness that caused you to want to consult the captain? A. I did not want to get notoriety.

Q. Did notoriety follow your doing your duty? A. It did; it has.

Q. After you showed this bill to your brother officer, did you mention the amount of the bill? A. He saw the denomination himself.

Q. Did you pass any remark on the amount of the bill? A. No, sir; only to Wosner.

Q. I was coming to that afterward; he saw the amount of the bill; you handed it out to him? A. Yes, sir.

Q. Did you take any particular notice of the character or marks on the bill? A. No, sir.

Q. Would you say it was a genuine bill? A. It looked like a genuine bill.

Q. Would you swear it was a genuine bill? A. I did not examine it that closely,

Q. Will you swear that the bill was a genuine \$5 bill of the currency of the United States? A. To the best of my knowledge, yes.

Q. Not to the best of your knowledge, will you swear to the fact? A. Some of the best counterfeits might deceive you.

Q. Will you swear that that paper you showed to the officer was a genuine \$5 bill of the currency of the United States? A. Yes; I will swear to it.

Q. Are you an expert? A. No, sir.

Q. Can you determine all counterfeits from the genuine money? A. No, sir.

Q. Then how is it you can swear this was not a counterfeit? A. I say to the best of my knowledge.

Q. Will you swear it was not a counterfeit? A. It might have been a counterfeit.

Q. Then you are not prepared to assume that responsibility? A. I am not an expert.

Q. I say, officer, you are not prepared to take the responsibility of swearing that was not a counterfeit bill? A. No, sir.

Q. Now, so far as the character of the bill is concerned, do you know we have a currency called "silver certificates?" A. Yes, sir.

Q. A currency called "gold certificates?" A. Yes, sir.

Q. A currency called "greenbacks?" A. Yes, sir.

Q. National bank notes? A. Yes, sir.

Q. Was this paper that was put into your hand by Werner a silver certificate? A. I could not say.

Q. Was it a gold certificate? A. I could not say.

Q. What is a greenback? A. I could not say.

Q. Was it a National bank note? A. It was a \$5 bill.

Q. Was it a national bank note? A. I did not take particular notice.

Q. Was it a national bank note? A. I could not say.

By Chairman Lexow:

Q. What did you do with it? A. I returned it to Werner.

Q. Gave it back to him? A. Yes, sir.

Q. Right then and there? A. Yes, sir; after consulting with the officer about making the arrest.

Q. If you intended at any time to arrest him for that attempt to bribe you, why didn't you keep the evidence of his bribery? A. Had I kept that money he might have made a charge against me of taking a bribe, when I was leaving the court-room.

Q. You could have had the money impounded in the court-room? A. Yes, sir; I could.

Q. You gave him back the only evidence you possessed of his attempt to bribe you? A. Yes, sir.

Q. So at that time you had no intention of arresting this man for his attempt at bribery? A. I had an intention, and had a witness there, and thought I would consult with the captain before making an arrest.

By Mr. Goff:

Q. I read from your testimony in the police court: "Q. It might have been a counterfeit, for all you know? A. It might have been."

Q. That is true? A. Yes, sir.

Q. Now, officer, after you had consulted with your brother officer, what was said by your brother officer and yourself? A. That it was best to consult with the captain.

Q. Did he think so? A. Yes, sir.

Q. Well, what was done; did you do anything then? A. I arraigned the bartender, who was held for trial, and I went directly to the station-house and reported the matter to Captain Cross.

Q. Who went with you to the station-house? A. Officer Arfken.

Q. Was there anyone with the captain when you went in? A. No, sir.

Q. What did you tell him? A. I explained the case to him, and he was angry, and said, "Why didn't you make the arrest; it was a crime committed in your presence;" he took me to the superintendent, and the superintendent told me to lay the case before the police board, and I laid the case before Justice Feitner, and he issued a warrant.

By Chairman Lexow:

Q. What superintendent? A. Superintendent Byrnes.

By Mr. Goff:

Q. When you went to the captain, you told what took place? A. I stated the facts.

Q. What did you state to him? A. Just as I said, in arraigning the bartender, as I came to court, Werner had been inquiring for me, and as I entered the corridor McCormick had gone into the court-room; Werner asked me to make the case exposure instead of selling, and gave me a \$5 bill.

Q. And what did Captain Cross say? A. He said, "Why didn't you arrest him;" I told him I thought it advisable to ask his advice first; it was the first case I had of that description.

Q. What was next said? A. The captain told me to put on my uniform and come to headquarters.

Q. Can you tell this committee why it was necessary — first, you, an intelligent officer, knowing this man committed a crime, as you understand it, you were afraid to assume the responsibility of making an arrest without consulting your superior officer, the captain? A. Yes.

Q. What reason was there why the captain should send to consult somebody else, before the arrest was made? A. I can not answer that.

Q. That is for the captain to answer? A. Yes, sir.

Q. All you can say, he told you to put on your coat and go to the superintendent? A. Yes, sir.

Q. Did you go to the superintendent? A. Yes, sir.

Q. And Cross went with you? A. Yes, sir.

Q. What conversation took place there? A. The captain laid the case before the superintendent.

Q. Was any other officer called in consultation? A. Officer Arfken was there, and Inspector Williams.

Q. And the whole matter was gone over before Superintendent Byrnes and Inspector Williams? A. Yes, sir.

Q. What was the result arrived at? A. The superintendent told me to lay the matter before the judge—the court.

Q. Did he question you as to what took place? A. Yes, sir; he told me I had a right to make the arrest at once.

Q. And did you tell him you did not want to do it, because this was a Lexow witness? A. I told him it was a mistake in judgment on my part not making it.

Q. Did you say anything of not wanting to do it because he was a Lexow witness? A. No, sir.

Q. Was there anything said in this conference about this man being a Lexow witness? A. No, sir.

Q. Was his name mentioned at the conversation? A. I don't know; the captain related the story to the superintendent.

Q. Did the captain go in before you went in? A. No, sir.

Q. After he told you what to do, where did you go? A. I went down to Essex Market court.

Q. To Essex Market? A. Yes, sir.

Q. Anyone with you? A. Officer Arfken.

By Chairman Lexow:

Q. Do you mean to say that in the conference had between Captain Cross, Inspector Williams, and Superintendent Byrnes and you that nothing was said about this man having been a witness before this committee? A. Yes, sir.

Q. Something was said? A. No, sir; nothing was said about his being a witness.

Q. Was it not rather strange that so much importance should be attached to a matter of that kind? A. If they said anything about his being a witness, I did not hear it.

Q. Is it usual to consult the superintendent and one of the inspectors where a matter of this kind occurs? A. I done that at the captain's orders.

Q. And was stating the reason? A. The reasons for which?

Q. You say the reason why you did not make an arrest, was because he had been a witness before this committee? A. Yes, sir.

Q. And now you come before Superintendent Byrnes and Inspector Williams, and do not even state that that was the reason that actuated you? A. Captain Cross may have said that.

Q. You said nothing was said about it? A. I told them it might have been a case of mistaken judgment on my part.

Q. You said before Superintendent Byrnes and Inspector Williams nothing was said about your reason not making the arrest? A. Not in my hearing.

Q. And that is the only reason you did not arrest him in the first instance? A. Yes, sir.

By Senator Bradley:

Q. Officer, you gave in your testimony here that this man Werner, whatever his name is, told you he would see you in the morning? A. That was on the night of the arrest of the bartender.

Q. Where did you arrest the bartender; I understood you to say it was in the corridor of the court? A. No, sir; I corrected myself.

Q. What object could he have in objecting to meet you in the morning if he tried to bribe you there then? A. On leaving the saloon on the arrest of the bartender he made the remark to me, "Be easy with him, and I will make it all right in the morning; come around and see me in the morning."

By Chairman Lexow:

Q. And it was the next morning that he handed you, you say, this money? A. Yes, sir.

Q. Then you were expecting something of this kind at the time? A. No, sir; I did not know whether he would be down or not in court.

Q. But he had notified you the day before? A. He said, I should come around.

Q. On the night before the arrest when it was spoken of that he was a witness before this committee, what else was said about that between you and your associate? A. Nothing else; Arfken said, "Do you know who that man was that gave you the license?" I said, "No." He said, "That was Karl Werner." That was all he said.

Q. Did he tell you how he found out that was Karl Werner? A. No, sir.

Q. And how long he had known it? A. No, sir.

Q. Or that the captain knew the fact? A. No, sir; I understood they did.

Q. How long had he known the fact? A. Arfken knows the man, and seen the man before.

Q. Then it was known at the station-house before the arrest was made that this man was a witness before this committee, or had been? A. I believe it was.

By Mr. Goff:

Q. Didn't the superintendent and the inspector and the captain hold a conference before you and your brother officers were called in? A. No, sir.

Q. Weren't they talking together? A. Not to my knowledge; we were in the room when called.

Q. Did you hear what they were talking about? A. Part of it; not all.

Q. They talked apart from you? A. We stood at a distance away from them.

Q. At a respectable distance, as a subordinate should stand from their superiors? A. Yes, sir.

Q. Have you any feeling against this man Karl Werner? A. None whatever; never saw the man before in my life.

Q. Have you any reason to prosecute him, simply because he was a witness before this committee? A. No, sir; that is more in his favor.

Q. And the captain of that precinct has been dismissed from the department, on charges? A. On charges; yes, sir.

Charles M. Patterson, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name? A. Charles M. Patterson.

Q. Now will you, please, speak up so the last Senator will hear you? A. Charles M. Patterson.

Q. Where do you reside? A. Shrewsbury, N. J.

Q. You are in business in New York? A. I am; yes, sir.

Q. Engaged in a mercantile business here? A. Yes, sir.

Q. We will have to have your voice a little louder here, please; you have had some experience in relation to the loss of some jewelry, have you not? A. Yes, sir.

Q. Now, I want you to go on and tell this committee as briefly as you can in your own way, what your experience was; give us the time and place and speak loudly, otherwise we will be delayed; I want to relieve you, Mr. Patterson; if you speak loudly and tell us your story in time so we can take a recess, it will save you the trouble of coming back again? A. I will tell you my story in 10 minutes.

Q. Very well, go on? A. A little more than one year ago I had occasion to go — a year ago last June — I had occasion to go to Brooklyn, and I wore a diamond on my scarf; I crossed the Brooklyn bridge and on the elevated platform, on the other side, it was removed from my scarf by a thief who took it from the left side, while somebody on my right side stepped on my foot and tripped me as I was going on the car; a gentleman who sat at the other end of the car came and informed me; we could not catch the thief there; we went to the next depot and returned to the police — a detective office in the city of Brooklyn; I was there introduced to Mr. Zunt and some other detective, and told my story and gave a description of the thief and offered \$50 reward for the recovery of the stone and another \$50 for the finding of the thief; from there I went home and getting pretty angry over night, I went to the central office in New York and reported the same thing the next morning; I was here introduced to two detectives.

Q. Do you remember their names? A. I was there introduced to two detectives.

By Chairman Lexow:

Q. Who were they? A. I can not remember their names. Inspector Byrnes knows them; I was asked to look over the rogues gallery; of course, I could not identify the men; that, and being a busy man, I left it in their hands, and when I was there the two Brooklyn detectives came in and the detectives were there altogether with me; I offered the reward there; the second day after I received a postal from Mr. Zunt, stating that he would like to see me the morning at 10 o'clock, with reference to the property stolen; the next morning at 10 o'clock he was there; I asked if he found the property or had the property.

Q. Where did you see him? A. At the office of the A. Nicholas Company, New York.

By Mr. Goff:

Q. That is where you are engaged in business? A. Yes.

By Chairman Lexow:

Q. Go on? A. He said he had located it on Sixth avenue; he wanted me to go with him to identify the stone; after a consideration I took the man that I obtained the stone with me to identify the stone—I not being an expert myself—and we accompanied Mr. Zunt up Sixth avenue to a broker's shop, a Mr. Lemmon, on Sixth avenue.

By Mr. Goff:

Q. Near what street? A. Sixth avenue.

Q. Near what street, Mr. Patterson? A. I can not tell that.

By Chairman Lexow:

Q. About? A. It is this side of Fourteenth street, I am the only one in business in this city of that name; I left the elevated depot and on the street the other detectives from Brooklyn met us on the street and before we reached Lemmon's shop, which was then half a block from the depot, two or three other men came out of different saloons also on the street and appeared to be surprised to see him, and greeted him with words of "What are you doing here."

By Mr. Goff:

Greeted the detective? A. Mr. Zunt.

How do you spell that? A. Z-u-n-t, George Zunt; I forget his name, and four or five or five and six of us walked to the store together and we stopped in front of Mr. Lemmon's pawnshop's sign, and did not enter, but stood outside, and they seemed to be interested in some of the things shown in the window, but I began to get a little nervous, and as I was a busy man I told Mr. Zunt if he had the diamond there, I wanted to see it; he then produced the diamond stuck up in a piece of yellow paper.

Who had the diamond? A. Mr. Zunt.

Where did he get it? A. In the store; we had walked in; he produced the stone; how he got it I do not know, but I did not see it passed over the counter; well, he said, "This is your stone, Mr. Patterson;" well, I thought it was a little strange in making the assertion when he never saw my possession, and did not know anything about it, and I was not a thief; it struck me as a little singular; I was not a judge in diamonds, and turned it over to my friend, an old gentleman I bought it from; he looked at it and said, "This is the stone;" I wanted to know just where I stood; I said to Zunt, "I would like to know where I stand; do I understand this stone is in pawn?"

In pawn? A. "Do I understand this stone is in pawn?" he said; "For how much?" "Sixty dollars;" "And you expect me to pay that \$60?" "Oh, yes;" "Well, now," said I, "Mr. Zunt, I do not propose to pay any \$60 before I know whether this is my stone or not, besides I have no money, and I don't know how this man wants to take my check;" he said, "I know this is your stone;" he said, "I will lend you the money;" I said, "If you want to take that stone out of pawn, you can, but I do not expect that stone until I have it examined by a man;" he then took the \$60 out of his own pocket and took out a roll of money and paid the money and handed me the stone.

To whom did he pay the money? A. To the pawnbroker, Mr. Lemmon.

Then he handed you the stone? A. I said, "You had better keep it;" he said, "Oh, no; that is all right," and the two other detectives went with me to Mr. Walsh's, Barclay Street; I took a glass and the diamond and leaving them at Mr.

By Chairman Lexow:

Q. Who were they? A. I can not remember their names. Inspector Byrnes knows them; I was asked to look over the rogues gallery; of course, I could not identify the men from that, and being a busy man, I left it in their hands, and while I was there the two Brooklyn detectives came in and the four detectives were there altogether with me; I offered the same reward there; the second day after I received a postal card from Mr. Zunt, stating that he would like to see me the next morning at 10 o'clock, with reference to the property stolen the next morning at 10 o'clock he was there; I asked if he had found the property or had the property.

Q. Where did you see him? A. At the office of the Austin Nicholas Company, New York.

By Mr. Goff:

Q. That is where you are engaged in business? A. Yes, sir.

By Chairman Lexow:

Q. Go on? A. He said he had located it on Sixth avenue, and wanted me to go with him to identify the stone; after a little consideration I took the man that I obtained the stone from with me to identify the stone — I not being an expert myself — and we accompanied Mr. Zunt up Sixth avenue to a pawnbroker's shop, a Mr. Lemmon, on Sixth avenue.

By Mr. Goff:

Q. Near what street? A. Sixth avenue.

Q. Near what street, Mr. Patterson? A. I can not locate that.

By Chairman Lexow:

Q. About? A. It is this side of Fourteenth street, I think; he is the only one in business in this city of that name; as we left the elevated depot and on the street the other detective from Brooklyn met us on the street and before we reached Mr. Lemmon's shop, which was then half a block from the depot, two or three other men came out of different saloons along the street and appeared to be surprised to see him, and greeting him with words of "What are you doing here."

campbell of the Brooklyn police; well, two or three days afterward I went over to Brooklyn and saw Mr. Campbell, Mr. Zunt was not present; Mr. Campbell heard my story and incidentally let out that Mr. Zunt did not find that stone and had to pay \$50 to the New York detective; that opened my eyes a little and I went on another tack; that night going down home I met David McClure on the cars and asked him for a card of introduction to Inspector Byrnes; he gave me the card; I then asked the house for a letter and I went with Mr. McClure's business card of introduction and the business letter to Mr. Byrnes' office in Mulberry street; the card took me in very quickly, very promptly; Mr. Byrnes asked me what he could do for me and I handed him the letter which I had in print to go to the paper and let him read it.

Q. To give to the newspaper? A. I had it in print, to give to the newspaper; all typewritten; he then rang for the inspector and told him to tell the detective sergeant to come up; the detective sergeant came up and he handed him the letter; he said, "What do you know about that?" "Nothing," said he; "You call up Campbell;" he called up Mr. Campbell; I heard the talk on the telephone there on the other side; he asked Mr. Campbell who in his office was connected with — who Mr. Zunt claimed was connected with that diamond steal of Mr. Patterson — Oh, no, — he asked him if Mr. Zunt was there or if he knew who he claimed was on it; and he was not there and he did not know; the next demand was to send Mr. Zunt over there to-morrow morning at 9 o'clock and then he turned to me and said, "This is all I can do for you to-day, and I think when leaving I asked him if he wanted me there the next morning, and he said I could come if I wished; my train was a little late and I did not get there and he told me his man did find the diamond but did not report it and he had cut their heads off; that his man had found the diamond and had not reported it and he cut their heads off; the idea was that each detective should receive \$50 and the pawnbroker \$10 for entering it on the book.

Q. Out of the \$60 you paid? A. Yes, sir; now this is a matter of fact; I have the \$50 check with Mr. Zunt's name on the back of the check; the \$60 has never been paid although he made a demand for it, and District Attorney Wilber of Brooklyn came over personally to advise me to pay it, and I advised him to go and advise his client; I did not want any advice; he brought me recommendation of Mr. Zunt from others with the names of

ex-Mayor Booth, H. A. Moore, Superintendent Campbell and District Attorney Ridgeway and one or two other men I knew very well in the city of Brooklyn recommending him to the treasurer's position in the Government administration.

Q. He would make a good treasurer? A. He would make a very good one; he is a first-class rascal to obtain \$50 by fraud from me.

Q. Those are all the facts in the case? A. Those are all the facts.

Q. You don't give how that distribution was made? A. Superintendent Campbell said Zunt did not find that diamond yet he obtained \$50; he represented to me he had found the diamond; he kept \$50 and the \$60 he paid or pretended to pay for that stone, recovered from me, was to go to the New York detectives and the pawnbroker was to have \$10.

Q. He told you that? A. That is an inference I drew; I do not know that.

Q. How do you know there was to be \$10 for the pawnbroker, for entering it on the book? A. Mr. Campbell told me, the New York police found the diamond and Inspector Byrnes found they did find the diamond and Zunt obtained the \$50.

By Senator Saxton:

Q. Do you know the diamond was not found in the pawn shop; did Superintendent Byrnes tell you where it was found? A. No, sir; I do not know; I know I received it in the pawn shop stuck in a piece of brown manilla paper, and saw the entry afterward on the pawnbroker's book.

Q. You say the entry? A. The entry was for \$60; I saw that on the pawnbroker's book.

By Chairman Lexow:

Q. What date? A. The date was all right; I could not give you the date except by the check.

Q. Is the entry in the books of the pawnbroker — was that a few days before you read it; was it dated a few days before you reached there? A. Yes; a few days before I reached there.

Q. And when you say the pawnbroker got \$10 for the entry on his book, that is inference? A. Yes, sir; an inference.

Q. You don't know anything about that? A. No, sir.

Q. What month was it? A. I can not tell you without the check; I think it was in the month of June.

Q. This year? A. No; last year, I can give you the dates by the check.

Senator Bradley — Don't you draw some inference from the conversation you held between Mr. Campbell and Byrnes — some inference from them? A. No; I gave that conversation just as I heard it repeated in his office.

Mr. Goff.—That is all, Mr. Patterson; I will ask for a recess.

Chairman Lexow.— All witnesses subpoenaed for to-day will reappear here at a quarter of 3; the committee stands adjourned until that time.

AFTERNOON SESSION.

September 12, 1894.

Of the Senate investigating committee held in the Superior Court-room in the city of New York.

Present.— Senators and counsel as before.

William H. Hoschke, called as a witness:

Chairman Lexow.— Before the witness is sworn the stenographer is requested to take down the following: The police department passed a resolution a few days ago, requesting to know from this committee its desires with regard to the continuation of trials before the board of police commissioners. President Martin called upon the chairman of this committee and preferred the request to be informed upon that question. The matter has been considered by the committee, and their unanimous conclusion is that upon all the facts and circumstances, they have neither suggestions to make nor requests upon that subject.

Mr. Goff.—Will you permit the stenographer also to note this: On or about September 2d or 3d I was waited upon by the counsel who represented the police commissioners with a similar statement and request to say anything in relation to the continuance or discontinuance of the proceedings before the commissioners. I told the counsel that I would have to wait and consult with you, Mr. Chairman, before I could give him a definite answer. I so consulted with you, if you remember.

The conclusion then arrived at is the same conclusion you now announce, and in pursuance of that, I addressed a letter to the gentleman, Mr. Wellman, counsel for the police commissioners, which for some reason that I do not understand, and do not care, has been withheld from publication. That letter was very short in form, but in substance it was that I had consulted with you, and that the committee had no opinion to express as to the continuance or discontinuance of the trials or charges before the police commissioners. That letter was dated on September 4th, and was mailed.

The stenographer of the committee was then directed by Chairman Lexow to furnish a copy of the above statements to be forwarded to the board of police commissioners.

William H. Hoschke, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your name? A. William H. Hoschke.

Q. What is your business? A. I am manager for N. J. Piat & Co., manufacturers of musical boxes.

Q. Your store is where? A. No. 680 Broadway.

Q. Piat & Co.? A. Yes, sir.

Q. I believe you are the largest manufacturers of musical boxes in the city, are you not? A. I suppose so, they say so.

Q. Have you had occasion, where your music boxes have been stolen, and you have had to resort to the police force to recover them? A. Yes, sir.

Q. How many of such cases? A. Four, within my recollection.

Q. Sir? A. Four, I believe.

Q. Do you remember one particularly where you had placed goods in the hands of a man to have them repaired? A. Yes, sir.

Q. When was that? A. Early in 1893.

Q. What was the name of the man? A. Kassal.

Q. Where was his place? A. On Sixth avenue, somewhere near Eighth street, I believe.

Q. What was it you had put in his hands to repair? A. There were some nine or 10 musical boxes, and seven or eight clocks.

Q. What happened to those boxes and clocks? A. One day it was reported to me that Kassel had left town, and I found

n looking up records, that he had those goods there, and I went there, and found him gone, and on searching his shop I found a large amount of pawn tickets, two handsful.

Q. You heard he had fled, you went to his shop personally to investigate, you found him gone and the goods were not there?

A. They were not there.

Q. And in investigating you found the fragments of pawn tickets where? A. Behind a work-bench.

Q. What did you do with those fragments? A. I took them to our store, and spent nearly two days in putting them together.

Q. And when you had got them together, what did they represent? A. Some musical boxes and clocks belonging to us, and a lot of watches and jewelry belonging to Kassel, on Fourteenth street.

Q. Casper's goods were lost, too? A. Yes.

Q. Did you learn from those pawn tickets you pasted together; did you learn where those goods were? A. Yes; all but one or two.

Q. Where were they? A. In different pawn shops around the city.

Q. Do you remember any of those pawn shops; can you state them? A. Not — only two, for the reason that one Blan, on Sixth avenue, made a great deal of trouble before he would show the goods at all, and another was Simpson, on the Bowery; I remember him, because in redeeming one of the boxes afterward, one of our clerks had some trouble, because they thought he was a thief.

Q. You say Simpson thought your clerk was a thief? A. Yes; when he went to redeem the goods afterward.

Q. When you had all the tickets together, what did you do with them? A. I sent them to police headquarters.

Q. Do you know who received them there? A. As far as I remember the sergeant in charge, but I don't know his name.

Q. Did any detectives come to see you? A. Yes; two men came.

Q. Do you know who they were? A. I do not.

Q. Did you ever hear their names? A. No, sir; not to my recollection.

Q. Have you seen any of them in court this afternoon? A. No — that is — I can not say.

Q. Would you know them if you saw them? A. I think not.

Q. What did the detectives say to you or either of them? A. At first, we supposed we would recover the goods without paying the sums that were gotten on them, but they said that could not be done unless the thief was caught and convicted; but finally they said we might sue before a civil judge, but that the chances of our winning such a suit would be very slight.

Q. Is that what they said to you? A. That is what they said to me.

Q. What happened then? A. They offered to go around with one of our men to have those goods "stopped," as they called it, and that was done, and we finally paid the principal and interest to these various shops; some of them we did not redeem, because the sums that had been advanced were rather large as compared with the value of the goods.

Q. In how many cases did that happen? A. I think four.

Q. The advance was almost the value of the goods? A. Considering that the goods were not new, the sums were too large for us to redeem them.

Q. How many did you redeem? A. It was either five or six of the music boxes, and I think all of the clocks.

Q. How much did you pay altogether, for redeeming those goods? A. For the music boxes, as far as I can remember now, we paid close on to \$200, and the clocks, I suppose, \$100; one of those clocks was my own property, and that amounted to \$15 — yes, it must be close on to a hundred dollars.

Q. Did the detectives go with you or your representative to the pawn-shops? A. Yes, sir.

Q. Were the payments to the pawnbroker's made in the presence of the detectives, do you know? A. I think not.

Q. Now, will you please to tell us about the other occasions when you had the same experience; when was the first? A. That was the first.

Q. When was the next? A. There was one instance where the music boxes had been obtained on a false check and we reported that to headquarters, but by the time it got under way, it was found that the same party had been already apprehended and sent to jail, and the case was not followed up, and we did not get out goods; I never heard anything further about it.

Q. Did you have relations with the police department in getting that? A. We referred the case there and got a report

that the party had been arrested and convicted, and we did not hear anything of that clock.

Q. Did you get the clock? A. No, we did not.

Q. What was the next case? A. Then there was a small singing bird in a snuff box.

Q. The bird jumps up when you touch a spring? A. Yes, that was stolen from our store last fall, and it was reported at headquarters, and beyond the suggestion that we would be called on for the payment of some postal cards we never heard anything of that; no one ever made any move in the matter.

Q. Did you ever pay for any postal cards? A. No, we did not, we were not afterward called upon.

Q. All you did was to report the case to headquarters? A. Yes, sir

Q. Nothing has been done about that case? A. Nothing whatever.

Q. When was that? A. I think in November last.

Q. Who did you report to? A. I only know it was reported to headquarters; I don't remember any particular names.

Q. What was the next case? A. That was rather a breach of trust; a salesman of ours had some goods that he was at liberty to sell, and instead of selling them he had pawned them; there we had not appealed to the police, though stopping the goods.

Q. Did you get the goods? A. We got the goods by paying for them.

Q. You had to pay the advances? A. Yes, sir; but as I understand it, as that was not a case of theft, we were not entitled to them according to law.

Q. I believe that is so, where the things are sold conditionally? A. In that case, I was advised, it being a simple breach of trust, we had no protection.

By Chairman Lexow:

Q. It was in the case of sale on the installment plan? A. Yes, sir.

By Mr. Moss:

Q. In your conversation with the detectives, and your intercourse with them, did you give them any money for any purpose whatever? A. No, sir.

Q. Were any moneys given to them for expenses, or drinks, or cigars, or anything like that? A. Not officially; I know such

expenses were handed in to me afterward, but they did not amount to but a few dollars, and were not authorized.

Q. In what case? A. In the case of Kassel, a small amount of a few dollars; they took them into some saloon I suppose and invited them to drink, and then paid for it.

Q. They drank on the way to the pawn shop? A. I suppose so.

Q. And it was charged up to you? A. Charged up to me.

By Chairman Lexow:

Q. In redeeming this property were you charged with usurious interest as well as with the amount of the original loan upon the property? A. If you refer to the usual pawnbroker's rates, yes, sir.

Q. You had to pay full rates? A. Yes, sir.

Q. Interest accrued up to that time? A. Yes, sir.

Mr. Moss.—That is all, sir.

Arnold B. Ehrlich, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Your full name, sir? A. Arnold B. Ehrlich.

Q. And your address? A. My business address, 128 Second avenue.

Q. You are an interpreter for the United Hebrew Charities? A. I am.

Q. Did you lose a watch the other day? A. I did, some time ago.

Q. What month? A. I don't recollect exactly; it must have been either the 1st of August, or the 31st of July; something like that.

Q. Where was the watch taken from you? A. On Grand street.

Q. What did you do? A. I went first to the Eldridge street station—a moment—it was on Sunday night about 8 o'clock—I went there and reported the loss, and asked them what I could do, whether it would be of any use to go there myself in the neighborhood among the pawnbrokers and ask them; they did not give me much hope there; they told me to call the next day, when I would find the detective.

Q. What did you do then? A. Then I went to headquarters on Monday, and there they referred me to somebody — some officer in a room; he told me that the first thing I would have to do would be to pay \$3.50 to have cards printed and sent out to pawnbrokers, which I did pay.

Q. Did you see one of the cards? A. Well, while I was paying the money I noticed one similar card of the last victim upon that gentleman's table, and they also sent me one of the cards.

Q. It had on the back of it that the owner would pay the advances? A. That was it; it was printed on the other side and this was the card, and the formula was printed right and left.

Q. And you afterward saw your own cards, and they were similar? A. Yes; and they sent me a card.

Q. Did you from that card get any information? A. Well, about a week later an officer came to me and said he thought my watch could be recovered.

Q. He thought so? A. Yes, sir.

Q. What else did he say? A. He told me to go with him and see the watch; I had not noticed the number of my watch, and I thought I might have difficulty in recovering it; in fact I almost left the pawnbroker's shop without recovering it, because the thief in stealing it from me had dropped this ring here, and instead of that put in a brass ring; that brass ring made the watch appear to me so strange I thought it was not mine.

Q. Is that the watch? A. This is the watch (producing watch).

Q. And this is the brass ring that was in here when you saw it in the pawn shop noticeable? A. It was; I noticed it; the pawnbroker afterward tried it and tested it, and showed it was gold.

Q. What I want to get at is this; was the appearance of the ring on the watch such that it should have called the pawnbroker's attention to the case? A. It did so; it appeared to me so strange that I first thought it was not my watch.

Q. Did it indicate it might have been stolen — a false ring put in afterward? A. Anybody could see.

Q. There were suspicious circumstances about it? A. Exactly.

Q. Suspicious circumstances to you? A. Exactly.

Q. Did you have to pay to redeem that watch? A. I did.

Q. How much? A. Thirty dollars.

Q. Where did the detective stand when you paid the \$30 -
A. He was there present.

Q. Did he have anything to say about your paying it? A. -
He remarked to the man that it was rather much, to the pawn -
broker, that he had advanced too much on that watch; and the
pawnbroker said that the thief had asked \$50, knowing it was
a Howard movement; that it was a valuable watch; that is how
he justified the large amount.

By Chairman Lexow:

Q. In redeeming the watch you paid not only the amount orig-
inally loaned by the pawnbroker, but also the interest up to the
time? A. No; I did not; no; he did not charge me any inter-
est; he held it out to me though, as a great boon.

By Senator Bradley:

Q. Doing you a great favor? A. Yes.

Q. He was a conscientious pawnbroker? (No answer.)

Abraham Heyman, called as a witness on behalf of the State,
being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. Did you ever work for a man of the name of McLaughlin?
A. Yes, sir.

Q. And before you worked for McLaughlin, where were
you working? A. For Dan. Scribner.

Q. The green goods man? A. Yes, sir; the green goods man;
I was not in the green goods business myself, though.

Q. Where did he keep? A. He kept on Broadway, near
Thirty-fifth street, a free and easy joint.

Q. What did they call the name of the place? A. The
Pickwick.

Q. When you got out of employment you went to work for
McLaughlin? A. Yes, sir.

Q. When was that? A. In the early part of 1891.

Q. Whereabouts? A. Two hundred and ninety-two Eighth
avenue, between Twenty-fourth and Twenty-fifth streets, over
Herman's Garden.

Q. Who was captain of the precinct at the time? A. Captain
Grant.

Q. How long did Grant stay there after you were employed? A. Stayed there a while, and while he was there we were closed; Laughlin kept a faro bank and roulette, only one at a time.

Q. You did not open up until Captain Schultz came? A. Yes, sir.

Q. Then did you open up? A. Yes, sir.

Q. How long did you run? A. We ran easy until Parkhurst came out, and we got orders to be very strict, and we had put bells on the door.

Q. How much of the house did McLaughlin keep? A. One or two.

Q. And how long was it before he increased his holding there? A. A few months.

Q. Then how much did he occupy? A. The whole house.

Q. Could anybody get in and out? A. No, sir.

Q. Had to be known? A. Had to be known.

Q. How long was it, do you think, before Dr. Parkhurst's residence commenced? A. What do you mean?

Q. How long were you running before you ran quiet, on account of Dr. Parkhurst? A. Schultz came there in September, I think.

Q. When did you first see Captain Schultz when he came? A. I see him when he was taken around and introduced.

Q. Taken around where? A. Taken around in different places; by I guess the wardman, or the old sergeant there.

Q. What was his name? A. I don't know his name.

Q. Did he bring him around to 202 Eighth Avenue? A. I brought him around, but he was not up stairs.

Q. Did he come in after you there and take you out introduce you? A. No, sir.

Q. Where did you first meet Captain Schultz? A. On the corner.

Q. Who introduced you? A. Nobody introduced me.

Q. How long had you known him then? A. A couple of months.

Q. Where you had first met him; who introduced you to him? A. We were all standing in the saloon, and he was in the saloon, was sociable, and asked everybody to drink.

Q. You used to see him in the beer garden? A. Yes, and drink with everybody.

Q. How long was it you were running with McLaughlin there before Parkhurst's crusade made you run quiet? A. February, 1892.

Q. For how long; a year, or six months, or three months, or two? A. From September, 1891, to February, 1892.

Q. And who gave you the word about this crusade, as you call it? A. It was given to McLaughlin that Parkhurst was out and to be very careful.

Q. How do you know it was given out? A. Because he told me he got the orders, and asked my suggestion.

Q. What did you suggest? A. To have three knobs made on the door with fancy work, and I should stand on the outside with my back toward them, and anybody I didn't know, I would let them in; they could not open the door to save their life; and have the bells on the outside, and with my back toward them this way (indicating), I would give a signal.

Q. And you ran that way quietly for some time? A. Yes, sir.

Q. How long before you closed up finally? A. We closed up when Captain Schultz went on his vacation to San Francisco and also California.

Q. Before Captain Schultz went, did he have any talk with you? A. Not with me.

Q. How did you come to close up? A. The sergeant, Coffey, came up to the place, and I had charge of it.

Q. Was he in command of the precinct, do you know, in the absence of Schultz? A. He was acting captain.

Q. Did he come up to 290? A. Yes.

Q. Was the layout there? A. Yes; all the two wheels and faro bank, a brace game.

Q. Is that a brace game? A. Yes, sir.

Q. Was it in the daytime Sergeant Coffey came? A. Yes, sir.

Q. Did he go in and see all these things? A. Yes, sir.

Q. What did he say about it? A. He said, "Take them down right away, or I will take them all away and pull you."

Q. Did you take them down? A. I should say we did.

Q. What did you do with them? A. Put them in storage at 34 Eighth avenue.

Q. How long did you keep them there? A. Until Captain Schultz came back.

Q. What did you do? A. Put them back and stored them.

Q. Did you have any talk with the captain about this? A. We had to close once in a while; and the captain said to

once, "You had better tell McLaughlin to close up; there has been a complaint at headquarters."

Q. Captain Schultz said that to you personally? A. Yes; he met me on the corner of Thirty-fifth street; he said, "You had better tell Mack to close up; there is a complaint down town, and I think it is Al. Adams."

Q. Who is Al. Adams? A. He is a gambler and real estate man.

Q. What did Schultz say about Al. Adams? A. He said, "A man like that, with all the money he has got, won't let the poor man make a living."

Q. Who did he say made a complaint? A. He said he thought Al. Adams; he said McAvoy spoke to him about it.

Q. He said McAvoy told him of it? A. He said he was to be at McLaughlin's on Eighth avenue; and he said he is the man from the highest.

Q. Did you go and tell McLaughlin this? A. I think I told him the next day himself, and all the apparatus was taken down and moved next door at 292.

Q. And you ran 292? A. Yes, sir.

Q. While 290 was closed did McAvoy examine that? A. This is a little further back in 1893.

Q. How long did you continue to run in 292? A. We ran until we got tired, and we ran on the sly, and had to work on the percentage.

Q. When did you go back to 290? A. We did not go back to 290 after that.

Q. Not at all? A. No.

Q. When did you go back to 225 West Twenty-fifth street? A. They made application for a charter to run as a club in November.

Q. Who made the application; do you know? A. Well, Alderman Parks is the one that made the application, and Alderman Parks organized the Stanwix club in connection with headquarters.

Q. Had a house there? A. Yes.

Q. And fixed it all up? A. Yes.

Q. What did they play there? A. They played everything; sure card, roulette, and faro bank; and everything.

Q. Was that faro bank a brace game, too? A. Nothing else.

Q. How long did they run there? A. They only run about a week there.

Q. What did they close up for? A. Because—well, let me see what that was; I will have to study a little about what that was; the captain gave orders for them to close up and be very quiet.

Q. How do you know the captain sent orders? A. Because Mac told us; whenever everything that happened like that Mac told us.

Q. Was Schultz McLaughlin's friend? A. Yes; bosom friend.

Q. How do you know? A. Because they were together.

Q. Did you frequently carry messages from Schultz to McLaughlin's? A. Once in a while.

Q. To what effect? A. Be careful, that the people were around.

Q. Who were the people? A. The Parkhurst people.

Q. Were you employed at 225 West Twenty-fifth street? A. I was employed at both places.

Q. When was it Inspector McAvoy came there? A. That was in the first part of 1893.

Q. And at the time McAvoy came there, was 225 being run as a gambling-house? A. Both of them were wide open, and we were running sweat boards on the first floor.

Q. The first floor of what? A. At 290 we had the sweat boards, and we had nothing but the sweat boards; we had put the roulette away in storage.

Q. Why? A. Because we got orders from Schultz.

Q. By whom did he send the orders? A. He went direct to Mac himself, I guess.

Q. Did he say anything to you about it? A. Didn't say a word to me; no, sir.

Q. What were you running at 225? A. We were just open for trade, not to lose them, to play pool and billiards and cards.

Q. Did you get any word from McAvoy at that time? A. I did not.

Q. Was any given out at McLaughlin's place? A. Given out to Mac, because Mac gave us the orders.

Q. What orders did he give you? A. We had got to close up.

Q. Was anything said about McAvoy at that time? A. Nothing was said about McAvoy at that time.

Q. When was it something was said about McAvoy? A. Nothing was said about McAvoy; McAvoy was coming to make an inspection.

Q. Who told you he was going to make an inspection? A. Mac told me; I stood on the front doorstep.

Q. Did McLaughlin, your employer, inform you that McAvoy was going to inspect the premises? A. Yes, sir; and be careful.

Q. Did you stand outside watching? A. I did, sir.

Q. Did Mr. McAvoy, the inspector, come? A. Yes, sir.

Q. What did he do? A. He went to the head of the stairs and walked down.

Q. Before he went upstairs what did you do? A. I touched the button.

Q. What was there there? A. Nothing, but a lot of people playing cards.

Q. What did McAvoy say? A. Nothing of that kind.

Q. Then what did he do? A. Went to 225, and I ran around ahead of him, and said, "Get out, the inspector is coming."

Q. And when the inspector came, what did he find? A. He didn't find anything, but took a drink and a cigar.

Q. How many times did this Inspector McAvoy repeat this performance? A. About two weeks, every night, regularly, about 10 o'clock.

Q. Didn't he always come before 11? A. Always before 11.

Q. As soon as he went out, did you play it? A. We opened up again.

Q. Now what Assembly district is that in up there? A. Thirteenth Assembly district.

Q. That is the Thirteenth Assembly district, you say? A. Yes.

Q. And is there an institution there known as the Pequot club? A. Yes, sir.

Q. Is Mr. McLaughlin a member of that? A. Yes, sir.

Q. Was Captain Schultz a member of it? A. At the time he was there all the time; I should think that he was a member of it.

Q. Was any endeavor made to obtain as members of this association, the employes of Mr. McLaughlin and Alderman Parks? A. Yes, sir; Mr. McLaughlin came to me one night and said, "You had better join the club;" and I said, "What for, I can't afford it."

Q. Did you ever ask McLaughlin to give you any money? A. I did.

Q. And do you remember something he said on that occasion? A. Yes, sir; he said, "What do you want; do you want everything; I have got to pay \$255 to-night for rent and protection."

Q. Did he say how much for protection? A. He did not.

Q. Do you know Louis Munzinger? A. I do.

Q. What is his business? A. Lieutenant and right-hand of the Pequod club.

Q. He is not connected with the police, is he? A. Not know of.

Q. He is one of the two Tammany Hall leaders there, isn't A. Yes; he is.

Q. He is in the mineral water business? A. Yes, sir.

Q. Is there a leader in the Thirteenth Assembly district takes anybody's but Louis Munzinger's waters? A. I can't

Q. Do you know anything of their taking his mineral water there? A. I know I have been in many places and do nothing but his mineral waters.

Q. Have you seen any others sold in that district? A. I to my knowledge.

Q. Do you know anything about a place up there called "Abbey"? A. I know the Abbey; yes, sir.

Q. What kind of a place is it? A. I don't know; I have been there but once, and then they had a poolroom in it.

Q. That is Mr. Reilly's place? A. Mr. Reilly's.

Q. Eugene Reilly's? A. Yes, sir.

Q. One of the court officers of this court? A. No, sir; is not a court officer; I am sure he is not a court officer; John Reilly is the court officer.

Q. Does John Reilly rent it with him? A. You have something else there; I would like to tell about the captain and McLaughlin and 341, about Twenty-first street.

Q. Well, after you came back from Saratoga, you left McLaughlin? A. I was in Saratoga; yes, sir; and McLaughlin told me if he needed me he would send for me; that was July, 1893; and he says, "If I need you I will send for you while I was up there—I went up with the intention of getting work—one of the players told me they were open on the floor and going through the basement, and I felt anxious and said I would go home; I went home and went in and see McLaughlin, who treated me very cool and I said, I heard you had opened Mac, and he said, "No, it is a lie; I walked out, but afterward Captain Schultz came up to me and used foul language and told me to get off the avenue, and told me if he caught me on the avenue again would lock me up; about a month after that I came on the avenue to get a position for election, which I generally got work in the district; one of the captains in the district prom

me a position of \$5 to get my overcoat out of pawn; I went to go to work; he said, "I can not give you the work;" I said, "Why; he said, "Simply because I was refused;" I met the captain after that, and he got word of me and wanted to lock me up.

Q. You never had any quarrel with Schultz? A. Never in my life.

Q. This was after you were with McLaughlin? A. With McLaughlin and Parks.

Q. What did they run in Twenty-first street? A. They ran a roulette wheel and bank on the sly.

Q. How did they get their customers there? A. From 225 in the carriage, in a roundabout way; in a carriage it is so dark, and you can not see anything; when Captain Donovan came there he would not allow anything there; I know he would not allow it, and people went to him and tried to open up, and he would not allow it; McLaughlin went to him for one, and he could not get open.

By Chairman Lexow:

Q. Have you got any hard feelings against Captain Schultz? A. None whatsoever.

Q. What you have said here is not prompted by motives of revenge or malice? A. It has been prompted through McLaughlin and Parks, to go to work and prevent me from making a living.

Q. So far as Captain Schultz is concerned, you have no feeling of revenge? A. Not outside of that.

Q. Have you at all? A. No, sir; I have not.

By Mr. Jerome:

Q. Do you know 335 West Thirty-first street? A. I have heard of the house.

Q. That is one of those establishments? A. He knows the houses.

Q. That was a gambling house? A. Yes.

By Senator Bradley:

Q. That is in Captain Price's precinct? A. Yes, sir.

Q. Did you ever see any gambling going on there? A. I never went there myself, but I sent somebody else and he got in.

By Chairman Lexow:

Q. Who did you send there? A. Mr. Sullivan, this gentleman sitting at the table right there.

Josephine Hirsch, called as a witness on behalf of the State:—

Adam Boumont was sworn as an interpreter and interpreted the oath to Josephine Hirsch:

Direct examination by Mr. Moss:

Q. State your full name? A. Mrs. Josephine Hirsch.

Q. Where do you live? A. In Houston street.

Q. What number? A. Two hundred and ninety-one Houston street.

Q. Is this your husband here? A. Yes, sir.

Q. When did you come to New York? A. In October, the 17th of October last.

Q. Had you a little money at that time, you and your husband? A. Yes.

Q. And did you want to go into some business? A. Yes.

Q. And was your attention attracted to a place at 276 East Houston street? A. Yes, sir; we bought a place, 276 East Houston street.

Q. Who owned that place you bought? A. My man.

Q. No; before? A. Max Gombossey.

Q. Now, you made some negotiations—you had some dealings with Gombossey about buying that place, didn't you? A. Yes; we bought a place from Mr. Gombossey.

Q. Did you know it was a bad place? A. No, sir; we did not know nothing about it.

Q. Did you know there had been gambling there? A. I heard it; yes; I heard it just now that it was a gambling place before; I did not know it when I bought it.

Q. Did you pay Mr. Gombossey for it? A. Yes; \$1,500 cash, and \$600 on mortgage.

Q. Did you run a gambling place while you had it? A. I ran a respectable place.

Q. How long did you run it?

Chairman Lexow.—(To the interpreter.) Give her answer as she gave it. She said "Certainly."

By Mr. Moss:

Q. Did you have a visit from the wardman of that precinct after you began the business? A. Yes; some more wardmen came from the precinct.

Chairman Lexow.—A number of wardmen came.

The Interpreter.—A number of wardmen.

By Mr. Moss:

Q. What did they do? A. The wardman came in the place there and looked around if any gambling went on in the place.

Q. He asked — A. He looked at first around to see, and then after he asked for some money.

Chairman Lexow.—“He said he must have some money for protection.”

Mr. Moss.—Is that all she said?

Chairman Lexow.—No; she went on.

The Interpreter.—Then he went upstairs in the room to look around to see if there was any gambling going on, and he didn't find anything there.

Chairman Lexow.—You have not told all she said. The witness said that she had said to her husband she did not see any reason why she should have to pay protection, and refused to pay it, whereupon the wardman went away, and in a few days he came back again and examined the house from the cellar to the top of the house — to the attic.

By Mr. Moss:

Q. Did he demand any particular sum? A. He asked for \$25.

Chairman Lexow.—A month.

The Interpreter.—Twenty-five dollars a month.

Q. Did you pay him anything at all? A. No; I did not pay nothing.

Q. Did you have any gambling upon the premises? A. No; we did not pay it, because there was no gambling.

Q. Did he say he wanted the money for gambling? A. No; he says all the coffee-houses are paying protection.

Q. That is what the wardman said? A. Yes, sir.

Q. How soon after you refused to pay the money did you see the police again? A. Then he came upstairs in the rooms after that.

Q. You were raided shortly after that, weren't you? A. About eight days later I was pulled.

Q. Who pulled you; what men? A. The police; I do not know him.

Q. Do you know the wardman's name? A. I don't know the name; he has a red face.

Q. Did you see the captain? A. I seen him when I w pulled; he was there when I was arrested.

Q. What was the captain's name? A. Captain Cross.

Q. And when you went to the court was Captain Cross ther
A. Yes, sir; he was there.

Q. Were you tried in court, you and your husband? A. M husband; yes, sir.

Q. Did Captain Cross testify? A. Yes.

Q. Was your husband convicted upon that testimony? A. Ye

Q. Your husband was convicted? A. Yes.

Q. What was his sentence? A. Three months in the peni tentiary.

Q. What was the charge against him, if you know? A. don't know; I do not understand the English language, an don't know what for we were arrested; I could not spel nothing; and he was found guilty and arrested; Captain Cros got up and said a few words, and they were convicted.

Q. Don't you understand now what your husband was charge with? A. No; I don't know what for he was arrested.

Q. What was it? A. He was sued for gambling, and the was some fellow went up to Captain Cross and gave in th were gambling there.

By Chairman Lexow:

Q. Ask whether there was any other charge made by the
A. No.

Q. Except gambling? A. Only gambling.

By Mr. Moss:

Q. Was your husband tried at the Tombs? A. Yes; it v tried in the Tombs.

Q. Did he have a lawyer? A. Yes.

Q. What is his name? A. Lowe.

Q. When your husband got out on bail, did he go back Houston street to Gombossey's place? A. No; he did not back, because Captain Cross took the furniture along with h

Q. Who took possession of the store? A. Gombossey.

Q. Gombossey took the store again? A. Yes.

Q. After you had paid your money to him? A. Yes; at we paid the money for the store Gombossey took the st back again.

Q. Let me ask the interpreter whether he did not say a moment ago that her lawyer had gotten up and pleaded guilty for her.

The Interpreter.—Yes.

Chairman Lexow.—You must translate just what she says.

By Senator Saxton:

Q. Ask whether the lawyer pleaded guilty? A. Yes.

Q. Without your consent? A. Yes; the lawyer pleaded guilty for me when I did not understand what was going on.

By Mr. Moss:

Q. Did you or your husband know that the lawyer was pleading guilty? A. No.

Q. And you say that Mr. Gombossey took possession of the store again when your husband was taken away; is that right?

A. We went to the headquarters and took the furniture back again and opened the store again.

Q. Did she say that Captain Cross took the furniture out; what kind of furniture was it Captain Cross took? A. He took it all away.

Q. Was there any gambling implements, or tables, or gambling tools? A. No; there was nothing there; there was a poker table in there when I bought the place, and as soon as I bought it we took it out.

By Senator Saxton:

Q. What kind of a place did you keep? A. Coffee and cakes.

Q. Was there any card playing there? A. There was sometimes; played some pinocle.

Q. Some friendly games? A. Friendly game.

Q. Do you mean to say that Gombossey got the same furniture and put it back in the store? A. Yes; he had the same furniture and put it back in the store.

Q. Is he running the same place with that same furniture? A. He turned it over to his brother.

Q. Turned it over to his brother? A. Yes.

Q. Had your husband brought a suit against Mr. Gombossey to recover damages? A. Yes; because somebody told us to bring a suit against Gombossey, and we brought a suit against him.

Q. There is a suit pending against him? A. Yes.

By Chairman Lexow:

Q. You never had any poker games in that house, or any games of cards for money? A. No.

By Senator Bradley:

Q. Ask her where did Captain Cross take the furniture to when he took it out of her house? A. In the station-house.

By Chairman Lexow:

Q. Just ask her whether she means all the household furniture she had paid \$1,500 for was taken to the police station, and then, without an order from her, handed over to Gombossey, after he was convicted? A. He came to the penitentiary and asked her husband to sign the paper and he did not sign it; Gombossey told him if he would not sign the paper he would keep him in jail longer.

Q. So that so far as she knows she has lost her property, and she has never transferred it to Gombossey, and he has got it; is that a fact? A. Yes, sir.

Q. And the property was in the possession of the police before it was turned over to Gombossey, and turned over by the police directly to Gombossey? A. Yes; it was taken up to the station-house, and from the station-house Gombossey took it back again.

By Senator Saxton:

Q. Ask her if she understands Gombossey claimed it under that chattel mortgage? A. He didn't come to her; and did not ask her for it; to settle for it; he did not demand any payment.

Chairman Lexow.—Mr. Goff, does the law, as it stands, permit anything but gambling implements to be taken by the police out of a house of that kind?

Mr. Goff.—Certainly not, sir.

Chairman Lexow.—Why isn't it a larceny on the part of the police authorities?

Mr. Goff.—There is no question about it. Cases have occurred here in connection with the coffee saloons kept mostly by Hungarian people; and police captains, notably Captain Cross, made a raid just before this committee commenced its sessions there in the spring; and he took tables and chairs and hat racks and

everything movable in the saloon; and the only gambling instruments in the saloon were a few soiled packs of cards. It was a matter of public record. The furniture was completely taken out; and that is a matter of common occurrence, gentlemen, in this city.

Ceala Urchittel, called as a witness on behalf of the State, was duly sworn and examined through the interpreter:

Direct examination by Mr. Moss:

Q. Stand up; you understand English? A. No.

Q. You speak English? A. No.

Q. What are you? A. German.

Chairman Lexow.—I will interpret it, and you may correct me. (Speaking to the interpreter.)

Q. What is your full name? A. Ceala Urchittel.

Q. Where do you live? A. One hundred and seven Orchard street.

Q. Where were you born? A. In Russia.

Q. When did you come to this city? A. Three years ago.

Q. Were you assisted by the Hebrew Charities Association? A. My husband died in Hamburg, and I came here with four children; then I was helped by the Hebrew Charities.

Q. They loaned you some money and set you up in a little business, didn't they? A. Yes, sir.

Q. And you saved a little money? A. I had saved \$600; they sent me 35 emigrant boarders; we had seven rooms.

Q. After you had saved the \$600 you went away from New York and tried to do some business, which was not very successful? A. I was sent over to Brooklyn.

Q. You went into business which was not very successful? A. Yes, sir.

Q. Then you came to New York and opened a little cigar store? A. Yes, sir.

Q. How many children did you have at that time? A. Three.

Q. What were their ages? A. Six and 13 and 17.

Q. That is their present age? A. Yes.

Q. After you had been running that cigar store a little while did you have a visit from a police detective? A. Yes.

Q. What did he say to you? A. A detective of the name of Borgelinae came to me; he took a package of chewing tobacco

and went away; and then in two days the same man came again and took a package of chewing tobacco again; and she said she could not trust.

Q. When he asked her for some money; get at that point?

A. He took out a dollar and handed it to her to pay for the chewing tobacco.

Q. Get at the time when he demanded money of her? A. The man came in and asked me for money; if I would not give any money, and he was going to have her arrested.

Q. How much money? A. Fifty dollars.

Q. What happened after that?

By Senator Saxton:

Q. Did he say what he wanted it for? A. He said I made \$600 in bad business, and on account of that I want \$50; he said she was working in bad business and made the money for herself, \$600.

Q. You are a respectable woman, are you not? A. Yes.

Q. And you were then a respectable woman at that time?

A. Always respectable.

Q. And were living there with your three little children?

A. Yes; I was living with three children.

Q. Just making a living selling cigars? A. I had been only eight days in the store.

Q. Did you pay any money at all to that man? A. I gave him \$25.

Q. He had asked for \$50; what about the rest of it? A. I said, "I haven't any more money," and had \$25 to pay my rent.

Q. Did he come to arrest you? A. Yes, sir; he took me around to the station-house, at 3 o'clock, on the street, and had me arrested.

By Senator Cantor:

Q. Who took you around? A. The same man that I gave \$25 took me around 3 o'clock at night.

Q. Ask her if they walked her around the street until 3 o'clock at night? A. Yes; they took me around the street; he took down her stocking and was looking for money; he took down her stocking, and said, "You made \$600 and I want the money."

Q. Let us have this clearly; I think you said he walked you around the street until 3 o'clock in the morning? A. No; in the night; he took me around until 3 o'clock.

Q. Where did he take you? A. He took me up to the station-house, and left me there a couple of minutes, and then let me go home from the station-house.

Q. Where was the station-house? A. In Essex court.

By Chairman Lexow:

Q. Ask her whether she was taken before a judge? A. He took her in a dark room there, and then took her out again and let her go.

Q. Did she pay any money to a man named Hockstein in the presence of that detective? A. The one that took the money divided with Hockstein.

Q. Is that Mack Hochstein? A. I don't know his first name. Senator Cantor.—Can't you get the name of the officer who made the arrest?

By Mr. Moss:

Q. And was that the same officer that got the money that arrested you? A. Vorvel or Vorgelinae.

Q. Do you know where the station-house was that he belonged to? A. In Attorney street.

Q. Where was your store? A. Corner Ridge and Broome.

Q. Was the policeman in uniform when he arrested you? A. If I see him I would know him.

Q. Was he in uniform; did he have a badge? A. Yes; he was in uniform and came in with the captain and the policeman.

Q. Please describe him; give his personal appearance? A. A tall man with black mustache.

Q. Full beard? A. Full beard; black beard.

Q. Did I understand you to say that the \$25 you paid was divided between this officer and Mr. Hochstein? A. Yes; divided.

Q. You saw that? A. Yes; I seen them go by the window and divide it.

Q. Did you try to raise the other money? A. He told her the next morning she should get the next \$25; \$50 next morning.

Q. And then she was allowed to go? A. Yes; then she was allowed to go.

Q. Did you try to raise the other \$25? A. Fifty dollars the man was trying to sell her store, the same man, and she should give him the \$50; he took her by the hand, and took her to the place, and tried to sell the store and get \$50 more; it was the same man who got \$25; he took her by the hand to sell the store, and to give him \$50; "I gave the same man \$50 again".

Chairman Lexow.—I do not understand her to have said that at all.

Q. Did you sell the store and give the man \$50 afterward?

A. That same man wanted to sell the store for me and I gave him \$25.

Q. Did you do it? A. I sold the store and did not give him the \$50.

Q. Could you pay him all the money that he asked you; did you pay him? A. I gave him \$25.

Q. Did you pay him all he wanted? A. I did not have to; I paid him \$25, and no more.

Q. When she was not able to pay him all he asked, was she again arrested? A. When I did not pay him the \$50 he had me arrested for four days.

Q. Did he tell her her children would be taken away from her if she did not pay it; yes or no? A. Yes.

Q. Were you taken out to court and tried; yes or no? A. I was in court and put on \$500 bail.

Q. Were you tried and convicted? A. Yes.

Q. Did she understand what happened in court; did you understand what was said? A. I didn't know anything; I understood everything, but could not speak anything.

Q. Did you have witnesses in court? A. I had 50 witnesses but they did not put a witness on the stand.

Q. Did they testify? A. None of them were asked questions.

Q. Was she sent to the Island? A. I paid \$50 fine.

By Chairman Lexow:

Q. What was the charge against you? A. The complaint was the man had paid me 50 cents, and had slept with me.

Q. Was that complaint true? A. No.

Q. What became of your children? A. They are in the orphan asylum.

Q. Have you tried to get those children? A. I laid 18 months in the hospital; I tried to get the children back, but they would not let the children out.

Q. Have you tried to get the children? A. Yes.

Q. And you have not been able? A. No; I could not get them.

Q. And the detective told you if you did not pay all the money that they asked, your children would be taken away from you; didn't he; yes or no? A. Yes.

Q. And they had been taken away? A. Yes, sir.

Q. When was it they were taken? A. The next day after I was arrested, they took the children away.

Q. When were they taken; give the date? A. One year and five months.

Q. One year and five months ago? A. Yes.

Q. You have not seen them since, have you? A. Yes, sir; I saw them since that time.

Q. When did you see them? A. Over two months.

Senator Cantor.—I see they are in the Hebrew Orphan Asylum.

Mr. Moss.—She only discovered it a short time ago. I shall not ask the witness any more questions. We knew it would take some trouble, and it would take some time, but after inquiries of the Hebrew society that befriended her in the beginning, I became convinced that she was honorable and suffered great wrong. Here is a case of a poor Russian coming to the country and preyed upon by these police detectives, and threatened if she did not give up her money, and walked around until 3 o'clock and finally railroaded through the courts, and unable to defend herself, and here is the mother anxious to care for her children, and they have been taken away by process of law, which she could not understand, and there they are as a result of that system.

Senator Cantor.—I suppose if a proper application was made to the society they would be released.

Mr. Moss.—There have been applications made, but it is very difficult.

Senator Bradley.—Have you looked for this man that got the \$25

Mr. Moss.—Not satisfactorily. Of course here we are not suing individuals, so far as the committee is concerned, but I should like to locate the individual and probably can.

Senator Bradley.—I think it is the most important man so far on the list, and it should be found out where he is.

Mr. Moss.—This case is one of many, but it takes such a long time and it is so difficult to exploit them, that this is an

embarrassment. This is a sample of a great many that come to our notice.

Senator Bradley.—The station-house blotter would show who made the arrest.

Mr. Moss.—We will investigate it further.

Chairman Lexow.—She says she could identify the man if she went to the station-house. It seems that would be the easiest way outside of the records, if you can not find it on the record.

Mr. Moss.—We will investigate it further.

Chairman Lexow.—And while the committee is not here to remedy a personal wrong, your society is, and I should think your society would take hold of it and see the matter through.

Mr. Goff.—Mr. Chairman, I am constrained from the necessity of the business of the committee to ask an adjournment and move for one; and from conversations with the committee, as well as from knowledge derived from public sources, I apprehend that the members of the committee are desirous of attending a State convention of the parties to which the majority belongs; and in view of that fact, I move, Mr. Chairman, that the committee adjourn until next Monday week. That will enable us to resume our sessions uninterruptedly.

Chairman Lexow.—The 24th.

Senator Bradley.—What about the Democratic convention?

Senator Cantor.—I was going to suggest that there is an important convention on the 25th, perhaps the most important convention of the two; and I would suggest to my colleagues of the less important convention that we take a recess until about the 1st of October. That will give the minority members of the committee an opportunity to attend to the very important work they have before them at Saratoga.

Mr. Goff.—On the statement of Senator Cantor, and in view of the fact that this committee started in this investigation with the avowed purpose and declaration that its purposes and objects were absolutely for the remedy of the abuses in the police department in the city of New York, without regard to political party or otherwise, I think it would be a gracious act on the part of the majority of this committee to recognize equal rights on the part of the minority, so far as affording them an opportunity to attend a State convention of the party to which they belong; and I would, therefore, ask you to accept a motion from me, amended to say we stand adjourned until

Monday, October 1st. I believe that will include the time. I would mention further, Mr. Senators and Chairman, that I think you will recognize that for an unbroken solid line of testimony, the committee has done more work for the past three days than it has done for any six days during its sessions heretofore held. There has been more testimony taken, and less interruptions during the three days than have characterized any six days of our previous sitting; and by adjourning until that date, Mr. Chairman, we can commence our work on the 1st of October, and proceed uninterruptedly.

Chairman Lexow.—I think it is only proper for the committee also—and I think I speak in the unanimous judgment of the committee—to compliment you on the very excellent work you have done in the last few days.

Mr. Goff.—Thank you, sir.

Senator Saxton.—I suppose we could come on the Thursday before and sit three days.

Chairman Lexow.—So far as your work is concerned, it would be as well for your work to commence on the 1st of October, as to adjourn over a week.

Mr. Goff.—Better.

Chairman Lexow.—Better? Well, that ought to settle the question. Then the committee will stand adjourned until Monday, October 1st, at half-past 10 o'clock.

Proceedings of the thirty-ninth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the former General Sessions building, in the city of New York, Monday, October 1, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, George W. Robertson, Daniel Bradley, and Cuthbert W. Pound; John W. Goff, Frank Moss and W. Travers Jerome, for the committee.

Chairman Lexow.—The meeting will come to order.

Mr. Goff.—Mr. Chairman, I wish to call the attention of the committee, before proceeding to take any testimony, to the fact that a second assault has been committed on the men employed in the service of this committee, for the purpose of serving subpoenas, and for doing other matters in connection with the work. One of these assaults is the subject now of judicial investigation. I mean that in relation to Appo. On that ques-

tion I do not wish to express any opinion, as it would not be proper at the present time. The matter has been adjourned and as Mr. Jerome informs me, that Appo is held on a charge of attempted suicide, while Riordan is held on a charge made by Appo of felonious assault, and while it is pending for judicial investigation, I do not wish to say anything about the matter. I do wish to say, however, that, before Appo was assaulted, others on two different occasions, once down here at the post-office and once beaten in a certain neighborhood, which I do not wish to mention. Two other men employed by us for the service of subpoenas have also been assaulted in different parts of the city. One was assaulted in company with Appo. I wish to say, gentlemen, that if the gang of thugs and cutthroats in New York, whose depredations have been laid bare before this committee, think that, by the commission of this assault upon subpoena servers, or other persons employed by this committee, that the work of exposure will cease, they are greatly mistaken. It comes to be a question now in New York, whether or not these gangs of desperadoes, in various parts of this city, can in a city policed by the "finest in the world," go on and commit these assaults with impunity. I take occasion to say further, Mr. Chairman, that I sincerely trust and I request, as a matter of public policy, that yourself and your colleagues, while in the Senate, under the appointment of any other investigating committee, or upon the continuance of this committee, should it be deemed wise, by the forthcoming Legislature, that the powers of the officers of this State shall be conferred upon any person employed on investigating committee. They should have all the powers that a peace officer of this State now possesses, for the purpose of serving criminal process, making arrests, etc. I have thought the matter over very carefully, and we have not said anything in public about the innumerable obstacles we have had to contend with in the service of our subpoenas, and the shadowing to which our men have been subjected, and the abuse, pointing of scorn, etc., wherever they would come in the neighborhood; that if the Legislature of this State wishes to be sovereign in its power, within its jurisdiction, it must confer proper authority and protection upon its employes; and I trust, Mr. Chairman, that this committee will bear this matter in mind. I have spoken to you privately about this before, and I now say publicly that, in my opinion, for a committee engaged in the dangerous work this committee has been engaged in, it

must fight fire with fire, and if the whole power of the State be necessary, to be enlisted in support of this committee, that power must be enlisted and invoked, and in no other way can we proceed with safety and with anything like success in our work.

Chairman Lexow.—Is it plain, Mr. Goff, that the police has assaulted any subpoena server of the committee?

Mr. Goff.—No, sir; I do not claim that they have. I wish to be perfectly fair with the police. I have not strained one point outside of the points in evidence, and I wish to say, so far as the rank and file of the department is concerned, I have no word of criticism on them as a body; there are many good, efficient officers there. It is the system which we have been contending against, and it is the system that we are trying to reform, if not to root out, root and branch. I do not charge that the policemen have been in any part, or in any way, compromised in these assaults; but in one instance I do say that the police were very negligent; and they could have made an arrest, when they did not make an arrest.

Chairman Lexow.—It is understood by the people that the police have been negligent in the last two or three weeks in arrests on application for crimes on the public highway. The question is whether this has anything to do with those charges.

Mr. Goff.—No. I simply direct my remarks to the committee in our own particular work. So far as the work of the police is concerned, touching the checking of crime, and touching their failure to prevent the commission of great crimes on the highways of our city, within the last two or three weeks, that is a matter about which we will have something to say later. At the present time I confine myself to the subject in connection with this committee and their employes, and the men in their service.

Chairman Lexow.—There is nothing you suggest now for the committee to do, to extend any further protection to the servers of subpoenas.

Mr. Goff.—Nothing specific. I shall inform you privately, Mr. Chairman and members of the committee, of matters which are essential touching our men, and I simply take this opportunity for calling the public attention to a fact.

Senator O'Connor.—Are your employes residents of the city?

Mr. Goff.—Yes.

Senator O'Connor.—Why not have them made deputy sheriffs?

Mr. Goff.—We tried to have that done, Senator O'Connor, at the commencement of this session. I tried to have that done because I recognized the difficulty we would have to go against, and the sheriff, at first, sent me word that he thought it could be done. Finally, he determined it was a risk he did not wish to assume.

Chairman Lexow.—Can they be deputized by the sergeant-at-arms?

Mr. Goff.—Not always. It is not always possible to have them deputized by the sergeant-at-arms.

Chairman Lexow.—Haven't they the power to deputize special officers—the sergeant-at-arms.

Mr. Goff.—Not for the purpose of making arrests. The reason that the sheriff objected to appointing them was, that he being personally responsible for the acts of his deputies, he did not wish to assume responsibility of appointing men not under his control.

Chairman Lexow.—Could there be any way in which the sheriff would be entitled to act for the State?

Mr. Goff.—No. It will have to be done by private work. It will have to be done by one of the private officers. It is not uncommon to find in places of amusement in this city, men who are not under the control of the sheriff, wearing deputy sheriff badges. I suppose if we had one of those places operating that we would not have much difficulty in having our men appoint deputy sheriffs.

Chairman Lexow.—It would not be any crime to make such a request.

Mr. Goff.—We will make the request again.

Chairman Lexow.—The stenographer will take down what the committee has decided to authorize the chairman to make a request on behalf of the committee that the subpoena served on the committee be deputized by the sheriff. Mr. Goff, have you given the police commissioners the right to appoint individuals for the purpose of serving subpoenas?

Mr. Goff.—They have, sir, for that special service, to serve subpoenas for this committee.

Chairman Lexow.—Would not that remove any objection of the kind if the police commissioners did grant them authority to make arrests?

Mr. Goff.—In justice to Captain O'Connor, in whose presence the Appo affair took place, I am informed that Captain O'Connor

instructed our men that whenever they wanted to serve subpoenas in his precinct again to report to him, and he would send a man in plain clothes. We have not taken advantage of that captain's very generous offer, nor do I think we will.

William H. Kipp, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Have you got the subpoena duces tecum served upon you?

A. Yes, sir.

Q. Will you please let me look at it? A. Yes, sir. (Witness produces subpoena.)

Q. Do you hold an official position in the police department of this city? A. I do.

Q. What is that position? A. Chief clerk of the department.

Q. How long have you been chief clerk?

Chairman Lexow.— We have had all that, Mr. Goff; Mr. Kipp was examined before in the election cases.

Q. I was not aware of that; you have been served with a subpoena duces tecum to present certain documents here in your custody as clerk of the police board? A. Yes, sir.

Q. You have produced those documents? A. I have.

Q. I will take them in order; the first requisition made upon you was for all the complaints, charges and specifications made and conferred and preferred against members of the police department since the 28th day of June, 1894, together with the proceedings and findings of the commissioners upon such charges and specifications; I hand you a paper, and ask you if that paper that I hand you is the official record of the complaints, charges and specifications made against such men since June 28, 1894? A. It is.

Mr. Goff.— I should state here, gentlemen of the committee, that I requested the chief clerk to confine himself to the production of the complaints, charges and specifications growing out of the testimony before this committee, and on such complaints and charges made in the ordinary routine work of the department for breaches of the rules of the department; I will have the paper marked in evidence. (Paper marked "Exhibit 1, October 1, 1894. L. W. H.") "All complaints, charges and specifications, made and preferred against members of the police department, since the 28th day of June, 1894, together with

the proceedings and findings of the commissioners upon such charges and specifications, also all complaints, charges and specifications made against members of the police department since said date, which are yet pending and undisposed of? No; this schedule only includes those complaints that have come out of the exposures before the Lexow committee. Patron Jerome S. Levy. The charge against him is pending dated July 19, 1894. Does this show what the charge was?

The Witness.—I have the papers here.

Q. Have you? A. Yes, sir.

Q. Would you be kind enough to produce them? A. Yes. Mr. Peterson will get them there. (Indicating.)

Mr. Goff.—The charge against Jerome S. Levy reads as follows: "I hereby charge the said Jerome S. Levy, such patrolman of the police, and member of the force aforesaid, with the legal offense of neglect of duty and conduct injurious to the public peace and welfare of the force, as a common officer." The specification is very long, but in substance it says that in the 14th precinct he did take and accept and receive from one Augusta Thuro the sum of \$150 in money, lawful money of the United States of America; that in consideration of said sum of money accepted by him, the said Augusta Thuro should and would be suffered and permitted to open and keep and maintain a house of ill-fame and prostitution at and in the premises there stated known as No. 87 Allen street, with the full knowledge of the police. That is the substance of the specification. I do not think there is any necessity of putting it all on the record; I will read the whole of it, if you wish it, and have it placed on the record.

Chairman Lexow.—No; it is not necessary.

Mr. Goff.—Now, the next of Captain Dogherty. "Second grade captain, name, Michael Dogherty, finding, dismissal, dated July 26, 1894." The specification is by the superintendent of police, which charges Michael Dogherty with a legal offense of neglect of duty and conduct injurious to the public peace and welfare and conduct unbecoming an officer, in that the said Michael Dogherty on the 6th day of January, 1893, in the Fourteenth precinct of this city, did in said precinct take and accept and receive money from one Augusta Thuro, who then and there kept and maintained, at the premises there stated, at 23 Second avenue, a certain house of ill-fame and prostitution.

he the said Michael Doherty then and there well knew, the sum of \$25, lawful money of the United States of America, upon an understanding therein made and entered into by and between the said Captain Doherty and the said Augusta Thuro, that for and in consideration of the said sum of money so by him thereby taken and paid August Thuro, then and there, for the space of one month, to keep and maintain the said house of ill-fame and prostitution in said precinct, with the full knowledge of him, the said Michael Doherty, and without any interference on his part as said captain of police, or any endeavor on his part as such captain of police, to interfere with the same or to enforce the laws of the State in relation thereto. The finding upon that charge was dismissed on July 26th. Patrolman John Hock. Charge against Patrolman John Hock, dated July 19, 1894; preferred by the superintendent of police, reads, "I hereby charge the said John Hock, such patrolman and member of the force aforesaid, with a legal offense and neglect of duty, and conduct injurious to the public peace and welfare, on the conduct of a public officer, in that the said John Hock, on the 1st day of March, 1893, in the city and county of New York, did accept and receive from one Augusta Thuro, who then and there kept and maintained the premises known as 23 Second avenue, in the precinct aforesaid, a certain house of ill-fame and prostitution, as he, the said John Hock, then and there well knew, the sum of \$25 a lawful money of the United States, upon an agreement and understanding that the said Augusta Thuro, for and in consideration of the said sum of money then and there, take and accept and receive as aforesaid, he, the said John Hock, as said patrolman of the police, should and would knowingly suffer and permit the said Augusta Thuro, then and there for a space of time, to wit: the space of one month then next ensuing, to keep and maintain the said house of prostitution and ill-fame in said precinct with the full knowledge of him, the said John Hock, and without any interference on his part, as such patrolman of police, and without any endeavor on his part, to suppress the same or to enforce the laws of this State in relation thereto." The sentence or finding in the case of John Hock is "Dismissal, on July 26, 1894." Bernard Meehan, Emanuel Meyer, and David J. Mallon, patrolmen. I find these charges

against Bernard Meehan, Emanuel Meyer, and David J. Mallon. As to Bernard Meehan, "That he did receive from Augusta Thuro, \$25, in lawful money of the United States, in an agreement that he, Bernard Meehan, as such police officer, and in consideration of such money, should and would knowingly suffer and permit the said Augusta Thuro then and there, for a space of time, to wit: the space of one week next ensuing to keep and maintain the said house of ill-fame and prostitution in said precinct, with the full knowledge of him, the said Bernard Meehan, etc. The finding in the case of Bernard Meehan, patrolman, was "Dismissal from the police force, on July 2, 1894."

Q. I find, Mr. Kipp, the names of Patrolmen Bernard Meyer and David J. Mallon, "Charges made and not served"? A. Yes, sir.

Q. Can you tell the committee, either from your personal knowledge or from that derived from the knowledge coming to you as secretary of the board, in your official position, from documents or other information, why the charges were not served upon these two patrolmen? A. I understood that Mr. Wellman was not ready to go on with those cases of Meyer and Meehan.

Q. The charges were made? A. Yes, sir.

Q. Are the charges here? A. They are not certified yet.

Q. Have you got the charges here? A. I don't think those papers are here.

Q. You don't think so? A. No, sir.

Q. Can you state — A. I don't think they are formulated yet, sir; that is the reason.

Q. Could you, from your knowledge, Mr. Kipp, going to an understanding of what the charges were — the proposed charges were against these two police officers? A. They were ward men and would be something of the nature of Meehan.

Mr. Goff.—Now, Sergeant Hugh Clark —

Chairman Lexow.—You have not stated the conviction of the other two. They are all in that one document.

Mr. Goff.—I have stated the conviction of Dogherty and Hock and Meehan; but Meyer and Mallon are the two officers who have not been served with the charges for the reason stated by the clerk.

Q. Have you got the papers of Sergeant Clark? A. Yes (Producing papers.)

Mr. Goff.—Charges preferred against Hugh Clark, sergeant, on August 14, 1894. Specification presented by the superintendent is that the said Hugh Clark on or about the 2d of October, 1893, in the city of New York, being such sergeant of police, aforesaid, and then there being assigned and detailed in that portion of the city of New York, known as the Fourteenth precinct, and being then and there a public officer and member of said force, to-wit, the said sergeant in the place aforesaid, did ask, receive, and agree to receive a certain fee and compensation for his official purposes, and did share in, for his own benefit, a certain fee, to-wit, the sum of \$5 in money, where no fees or compensation are allowed to him by the statute, and which said sum of money was additional to his regular salary, pay and compensation, in that the said Hugh Clark, on that day, being such public officer and such member of the said police force, did ask, and receive and agree to receive, and did share for his own benefit in the said sum of money from said Augusta Thuro for taking bail for the appearance of one Hattie Hendricks the next morning, the 2d of October, the said Hattie Hendricks having been arrested for a misdemeanor on the 2d day of October, and a magistrate competent to take bail not having been found within an hour of said arrest, and no fee or compensation being allowed to said Hugh Clark, a public officer, as aforesaid, for said taking of bail, and the said sum of money being additional to his regular salary and compensation. The second charge and third specifications embraced the same thing.

Senator O'Connor.—What are the charges for; for taking improper bail?

Mr. Goff.—Yes. I will see what that is. The second charge in the specification is that on the day and year aforesaid in the city and county of New York aforesaid, the said Hugh Clark did allow Augusta Thuro to justify as such bail aforesaid, and did accept such Augusta Thuro, as sufficient bail aforesaid, and did allow the said bail, he, the said Hugh Clark, being there the said public officer aforesaid, and knowing that the said Augusta Thuro was keeping and maintaining a disorderly house and house of ill-fame or prostitution in said precinct, with full knowledge of the said Hugh Clark, and without any interference of the said Clark to suppress the same, or in any manner, to enforce the laws of this State, in relation thereto. Another charge and specification is for doing the same

act in relation to one Minnie Ryan, with a full specification, which follows, with charges and specification for doing the same act in relation to one Rosa Meyer. The eighth charge is for doing the same acts in connection with the arrest of one Delia Brown. In the ninth charge the specification is for doing the same acts in connection with one Jennie Reilly. The disposition of the charges against Sergeant Hugh Clark, dated August 15th, says, "Retired."

Chairman Lexow.—Was he adjudged to retire from the force? The Witness.—Yes, sir; on his own application.

Q. Were the charges found sustained? A. There was no judgment taken upon that.

Q. Did the commissioners enter any decision or verdict on guilty or not guilty? A. No, sir.

By Mr. Goff:

Q. Since the chairman has inquired upon that subject, I will ask some questions in relation to it, that I intended waiting for some time; it was after the trial that Sergeant Hugh Clark was allowed to retire from the force? A. Yes, sir.

Q. And after the commissioners had retired to deliberate upon the judgment they would deliver? A. Yes, sir.

Q. I find from your record here that Sergeant James W. Jordan, Charles A. Parkerson, George C. Liebers, were dismissed; it is a matter of record; the records are here, Mr. Kipp, that Sergeant McKinney, Sergeant Jordan, and Sergeant Parkerson and Sergeant Liebers, were charged with the same offenses that Sergeant Hugh Clark was charged with? A. Yes, sir; all sergeants in the same precinct.

Q. That is, five altogether? A. Yes.

Q. Can you state to this committee what reason there was for the commissioners to act differently in the case of Sergeant Clark, from the way in which they decided in the cases of the other four sergeants? A. Sergeant Clark had performed services, I think, of nearly 30 years, and he had made his application for retirement under the statute, which would allow him to do so after 20 years of service; the others had not made such an application, and they dismissed the others, and allowing him to be retired on his own application the same day.

Q. But the application was made after the evidence was put in? A. I think after the charge was made, not after the evidence was taken.

Q. And is it not a rule of the department that no member of the department is allowed to retire while charges are pending against him? A. Not a rule; it is a custom.

Q. It is a custom? A. And a custom that has been almost invariably adhered to.

Q. What will you say there was in Sergeant Clark's case that induced the commissioners to make an exception in this case? A. I could not say.

Q. But the fact remains that this sergeant was allowed to retire on his own application after the charges were preferred against him? A. Yes, sir.

Q. And the charges were identical with those charges preferred against the other four sergeants who were dismissed? A. They were.

By Chairman Lexow:

Q. Do you know, as a matter of your own knowledge, that he had previously had an excellent record on the force, and that there were mitigating circumstances in his case that did not apply to the other four sergeants? A. I know he had been for some years quite ill, and that his record was excellent, and so testified to by the superintendent and other superior officers; but whether that had the effect upon the judgment of the commissioners or not, I can not say, sir; I presume it did.

By Mr. Goff:

Q. On the question of the record being testified to, is it not a fact that nearly every officer that was put up for trial had the highest commendations from his superior officers upon the witness stand? A. I believe they did.

Q. Was it not common rumor at police headquarters that it was a sense of magnanimity that the commissioners acted towards Sergeant Clark in allowing him to retire by reason of his long service? A. I could not say that, sir.

By Chairman Lexow:

Q. And not because the evidence against him was any weaker than the evidence against the other four sergeants? A. No, sir.

Q. Don't you know, as a matter of fact, that was taken into consideration by the commissioners; that while they held him guilty, they treated him more leniently because of his old

service, and his age, and for the excellent reputation he had borne in the force up to that time? A. That does not appear anywhere that I could testify to.

Q. You don't know? A. No, sir; I could not say it was so.

Q. Do you know whether the evidence against him was substantially the same evidence as against the others? A. I think it was, sir.

Q. The same cause complained of? A. Yes; the same precinct.

Q. And his case only differed from the others in that he was of longer service, and had a good reputation? A. I could not say that that is so.

Mr. Goff.—We shall read the charges against Sergeant McKinney and George C. Liebers, in order to place that matter on record.

Mr. Moss read as follows: Charges against Sergeant McKinney, that on or about the 29th day of October, 1893, he being a sergeant of the police force received a certain present, the gift of \$5 in money, where no compensation is allowed to him by statute, additional to his regular salary, that he received from Augusta Thuro, for taking bail for the appearance of one Martha Winter, before a magistrate, the said Martha Winter having been arrested on a misdemeanor in the afternoon of the 29th of October, the magistrate not having been found within an hour after such arrest, no fee or compensation being allowed to said McKinney for said services; and the second charge against McKinney is that on the same day he did accept Augusta Thuro as sufficient bail for the said Winter, and did allow the said Thuro, he being a public officer at the time and well knowing that the said Augusta Thuro was then and there keeping an indecent and disorderly house in the said precinct, with his full knowledge, and without any interference on his part, as such sergeant to suppress the same, or in any way to enforce the law. The third specification is, on or about the 11th day of November, 1893, he being such sergeant, did ask and receive a certain fee and compensation for his official services, to-wit, \$5, for taking bail, and receive said fee from Augusta Thuro, for taking bail for Jennie Reilly, who had been arrested for a misdemeanor. Fourth specification is similar to the second, that he accepted Augusta Thuro as bail. The fifth specification is similar to the first, the person bailed being Sadie Reid. The sixth specification is similar to the second, Augusta Thuro, a proprietor of a house of ill-fame, having been accepted as bail.

Mr. Goff.—The sentence in the case of Sergeant McKenna was "Dismissal from the force, August 15, 1894." Now in the case of Sergeant James W. Jordan, charges of the same date, August 14, 1894.

Mr. Moss reads: The first charge against James W. Jordan is that on or about the 12th day of October, 1893, he being an officer in the Fourteenth precinct, asked and received the sum of \$5 from Augusta Thuro for taking bail for the appearance of Sadie Schrader. The second charge recites that he took such bail from Augusta Thuro, known to him to be the proprietor of a house of ill fame. The first charge is similar to the first, the person bailed being Rachel Davis. The fourth charge is similar to the second. That is all.

Mr. Goff.—The sentence in the case of Sergeant James Jordan, was "Dismissed from the force, August 15th." Now the charges against Charles A. Parkerson.

Mr. Moss reads: The first charge is that on or about the 31st day of July, 1893, he received from Augusta Thuro the sum of \$5 as a gift or emolument for bailing Lottie Raynor, who had been arrested for a misdemeanor. The second charges him with accepting Augusta Thuro, the keeper of a house of ill-fame, as bail. The third charge is similar to the first, name being Rachel Marks. The fourth charge is similar to the second. The fifth charge is similar to the first; the person bailed being Lottie Raynor again. The sixth charge is similar to the second.

Mr. Goff.—The sentence in the case of Charles A. Parkerson was, "Dismissed from the force, August 15." The charge against George C. Liebers of the same date.

Mr. Moss.—The first charge against George C. Liebers is, on or about the 5th day of August, 1893, he received from Augusta Thuro, in the form of a gratuity, five dollars for accepting the bail for Miss Sanders, who had been arrested on the charge of misdemeanor. The second specification is that he accepted for such bail Augusta Thuro, then known to him to be the keeper of a disorderly house. The third charge is similar to the first, the person being Annie Lewis. The fourth charge is similar to the second. The fifth charge is similar to the first, the person bailed being Rachel Marks. The sixth charge is similar to the second. The seventh charge is similar to the first, and the person bailed being Sarah Schneider. The eighth charge is similar to the second. The ninth charge is similar to the first, the person bailed being Rachel Davis; and the tenth charge is simi-

lar to the second. The eleventh charge is similar to the first, the person bailed being May Brower; and the twelfth charge is similar to the second; the thirteenth charge being similar to the first, the person bailed being Frank Moore. The fourteenth charge is similar to the second charge.

Mr. Goff.—The sentence of the finding of the commissioners in the case of Sergeant George C. Liebers is, "Dismissed from the force, August 15th." The charge against Captain William S. Devery, made August 15th.

Mr. Moss.—Charges against Captain William S. Devery. The first specification against William S. Devery is, that on or about the 28th day of February, 1893, he and Edward Glennon, a patrolman, received and accepted from Henry Hoffman, who kept a disorderly house at 180 Allen street, the sum of \$500, in lawful money, upon the understanding and agreement that they would suffer him for the space of one year, to keep and maintain the said house of ill-fame; and that he, Henry Hoffman, so paid to the said William S. Devery and Edward Glennon, the sum of \$100, each month, as long as the said William S. Devery so remained captain of the police precinct; and that said Hoffman should be protected from police interference in keeping said house during said space of time. The second specification is that the said William S. Devery, received from the said Henry Hoffman, the sum of \$50, for the protection of said house for one month. The third charge is similar to the second. The fourth is the same. The fifth is the same. The sixth is the same. The seventh is similar. The eighth is to the same effect. The ninth, tenth and the eleventh are similar. These specification being charged to the effect that the sum of \$50 had been taken for one month's protection on said house. The twelfth charge is that said William S. Devery, captain, did take from Charles Prien, who maintained a house of ill-fame, 28 Bayard street, the sum of \$25, under substantially the same circumstances as charged in the case of Hoffman; and that he agreed to protect the said house for \$50 a month. And the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty, twenty-first, and twenty-second specification charges that the said Devery and the said Edward Glennon, did receive in each of these charges, the sum of \$50 for three months' protection on that house. The twenty-third charge is that William S. Devery and Edward Glennon received from Katie Schubert the sum of \$500, and made

an agreement for the payment or receipt of \$50 for each month, in consideration that she should be permitted to maintain a disorderly house 144 Chrystie street. And specifications twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, each of those specifications charged that upon the months therein mentioned, the sum of \$50 was received by said officers for the protection of that house. The thirty-fourth charge is to the effect that William S. Devery and Edward Glennon did receive from Karl Werner, the sum of \$500, upon the understanding that the disorderly house No. 6 Delancey street, might be maintained without police interference; and that \$50 a month should be paid thereafter for the maintenance of that house. The thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth—

Chairman Lexow.—Isn't that piling on the agony, Mr. Moss?

Mr. Moss.—Not so far as I am concerned.

Mr. Goff.—It is not for the mere purpose of getting valuable testimony here; it is for the purpose of completing the record before the Legislature, after the committee ceases its work.

Chairman Lexow.—Are you desirous of having each one of the specifications noted?

Mr. Goff.—I think it is wise for us to proceed as closely as possible to the official records. I know it will make it tiresome when you have been in the habit of listening to entertaining testimony heretofore. This will be in contrast, but I consider it very necessary.

Chairman Lexow.—Do you mean to go on down with the dismissal of these various officers of the force? Would not one of the specifications be sufficient?

Mr. Goff.—We will curtail as much as possible.

Mr. Moss.—Forty-first, forty-second and forty-third specifications are those I mentioned before, charge that the said officers received \$50 per month for protection of said houses; and the forty-fifth charge is that William S. Devery and Edward Glennon received from Rhoda Sandford, the sum of \$500 for the protection of the disorderly house, No. 24 Bayard street, with an agreement for the payment of \$50 a month thereafter for the same purpose; and the specifications from the forty-sixth to the fifty-fourth are to the effect that in each specification the sum of \$50 had been taken for the protection of the house for

one month. The fifty-sixth specification is that the disorderly house, 180 1-2 Allen street, was allowed to be operated as a disorderly house without police interference by the said Captain, William S. Devery.

Mr. Goff.—The sentence in the case of Mr. William S. Devery is "Dismissal from the force, August 21, 1894." The charges against Edward S. Glennon, patrolman?

Mr. Moss.—I have read them as I have read Captain Devery.

Mr. Goff.—The sentence is "Dismissal, August 24th." Charges against Patrolman James Burns.

The Witness.—I gave you those the other day, in Captain Cross' specifications. Captain Cross, Burns and Smith.

Mr. Goff.—They are in the same nature. That is not in my bag. "Edward S. Glennon; dismissed, August 31, 1894; Captain Adam A. Cross; dismissed, August 31, 1894; Patrolman George Smith; dismissed August 31, 1894. Captain John Stephenson. Have you not his papers?

The Witness.—Yes.

Mr. Moss.—The charges against Captain Adrian A. Cross, Patrolman George Smith, and Patrolman James Burns. The first specification charges Captain Cross that on the 20th day of April, 1892, he demanded and received from Katie Schubert, the sum of \$500 to permit her to maintain a disorderly house, 144 Chrystie street; that George Smith participated in the agreement, and that it was further agreed that she would pay the sum of \$50 per month to be permitted to maintain the said house. The second specification to the twelfth specification are charges connected with said house and said precinct. The thirteenth charge accuses Captain Cross and Patrolman Smith of entering into an agreement with Charles Perrine, whereby they received from him \$500 to permit him to maintain a disorderly house at No. 28 Bayard street; and made an agreement for his payment to them of \$50 a month for permission to run the said house. The fourteenth specification to the twenty-fourth specification are as to the same house and same precinct. The twenty-fifth charge alleges that Captain Cross, on or about the 20th day of April, 1892, made an agreement with Carl Werner, whereby the said Carl Werner should be permitted to continue to keep the disorderly house No. 6 Delancey street, upon the payment of \$50 a month, and that the said money was paid and said Werner was allowed to keep said house. The specifications numbers 26 to 36 have reference to the said house.

The thirty-seventh charge alleges that Captain Cross made an agreement with Rhoda Sanford, on or about October 31, 1892, whereby she was to be permitted to maintain the disorderly house No. 24 Bayard street upon the payment of \$500 and \$50 a month, and that the said sums were paid. The thirty-eighth to the forty-fifth charges have reference to the said Rhoda Sanford and the said house No. 24 Bayard street. In each of the preceding specifications it is charged that the officers therein mentioned did receive the said sums of money for the protection of the said houses. The forty-sixth charge alleges that Captain Cross was made acquainted with the fact that a policeman named John Kelly had received a bribe from one Charles S. Hendrickson for the sum of \$25, to permit him to violate a city ordinance, and that he failed to report or take action in the case of the said John Kelly. The forty-seventh charge alleges that Policeman James Burns, accepted a bribe of \$50 from Katie Schubert before mentioned, in consideration that he would permit her to maintain the disorderly house 144 Chrystie street, and that he did so permit her. Specifications from forty-eight to sixty-eight make similar allegations against Patrolman James Burns. The sixty-ninth charge alleges that James Burns on or about the 25th day of February, 1890, did offer and attempt to take from Edward Kirkpatrick the sum of \$250 in consideration that he would permit the said Edward Kirkpatrick to erect a bridge upon the sidewalk in front of the building which the said Edward Kirkpatrick was building, the said James Burns at the time being a patrolman attached to the police precinct commanded by Captain William McLaughlin.

Mr. Moss.—The charge against Captain John A. Stephenson is in the first specification, that being in command of the Fifth precinct and obliged to execute the ordinances of the city, did on the 26th day of February, 1891, willfully and corruptly ask and receive from Thomas P. Wallace, of No. 187 Reade street, a bribe of \$25, on the agreement and understanding that the said Stephenson would be influenced thereby and would neglect and violate his official duty, and would permit Wallace for the space of one year to place goods, wares and merchandise and other articles upon the public highway and sidewalk, and that he did so permit the said Wallace. The second charge is similar and refers to the same Thomas P. Wallace. The third charge is similar, referring to Enos C. Palmer, of 166 Reade street, city. The fourth charge is similar. It refers to Charles

W. Maxfeld, No. 182 Reade street. The fifth charge is similar and refers to Leroy M. Lyon, of No. 279 Washington street. The sixth charge is similar and refers to the said Lyon at same place. The seventh charge is similar and refers to Robert P. Shimer, of 336 Washington street. The eighth charge is similar and refers to Martin N. Edwards, and alleges that he received certain bribes and gifts from the said Edwards to the end that he should not enforce the ordinances of the city. The ninth charge is similar, and refers to George Allison, of 298 Washington street; he was protected in the violation of the corporation ordinances. The tenth charge is similar and refers to Lewis S. Bernholts, of 355 Greenwich street. The eleventh charge is that the said John P. Stephenson received from John P. Wallace the sum of \$25, and on the 5th day of October the sum of \$25 from the same man, and on the 18th day of October, from Enos C. Palmer, the same sum; the 10th of October, 1891, from Charles W. Maxfeld, the same sum, and Leroy M. Lyon, on the 1st day of July, 1891, the same sum; from Leroy M. Lyon, on the 1st of January, 1892, the sum of \$30, and from Robert B. Schimer, on the 10th day of May, 1891, the sum of \$25, and on the 12th day of September, the year not given, from Martin N. Edwards the sum of \$50, and on the 25th of October, 1891, from George Alexander, the sum of \$50; each payment being made in consideration of allowing said persons to violate the ordinances of the city of New York.

Mr. Goff.—We have charges against Mallon and Meyer. Those were charges that were not served.

Senator Bradley.—Won't you announce the verdict in the Stephenson case.

Mr. Goff.—Yes; the verdict in that case was "Dismissal from the force." So as to be sure that the record will have it straight, Patrolmen Edward G. Glennon, James Burns, Adam A. Cross, George Smith and John T. Stephenson, dismissed from the force. Stephenson dismissed on September 6, 1894.

Mr. Moss.—Charge against David Mahlon is that between the 1st of April, 1893, and the 1st of December, 1893, he being a police officer, did allow Augusta Thuro to keep and maintain a disorderly house No. 23 Second avenue, without any interference on his part. The charge against Emanuel Meyer is that between the 1st day of October, 1892, and the 1st day of January, 1893, he being a policeman attached to the Fourteenth precinct, did permit the premises 23 Second avenue to be kept and maintained by Augusta Thuro as a house of prostitution.

By Mr. Goff:

Q. Those charges you say have not been served? A. No, sir.

Q. By reason of Mr. Wellman not being ready to proceed; I called for the records or orders of suspension of members of the police department since the 28th of June, 1894. (Papers produced by the witness.) I hand you such record and ask you if that is the record of such orders? A. That is correct, except since that was made the board have relieved Jeremiah S. Levy and David J. Mahlon and Emanuel Meyer from suspension and restored them to duty.

Q. And in all things else it is correct? A. It is correct.

Q. What was the suspension against Patrick Fitzgibbons for; do you remember? A. I do not think that came under your charges.

Q. No it did not occur to me? A. No it did not, sir.

(Paper marked "Exhibit Q, October 1, 1894, L. W. H.")

Q. This record of suspension sets forth the suspension of the names of those who have been dismissed, with the modification stated by the clerk, of the restoration of Jerome S. Levy, David J. Mahlon and Emanuel Meyer? A. They were suspended pending trial.

By Chairman Lexow:

Q. They have not been tried and restored to duty? A. Those three, they have not been tried, but they have been restored to duty.

By Mr. Goff:

Q. I ask you for the record of the retirement since the date of June 28, 1894; all the names upon this list which I hand you, I think are not referred to in the testimony before this committee? A. No, sir.

Q. Only one? A. Only one.

Q. That is Sergeant Hugh Clark to whom we before referred? A. Yes, sir.

Q. We do not want to put that in evidence; I hand you a record of resignations since the 28th of June, 1894, and ask if that is the record of resignations from the department? A. Yes, sir.

Paper marked in evidence "Exhibit 3, October 1, 1894, L. W. H."

Q. I read from this record of resignation, "Record of all resignations of the police department from June 28, 1894, to July 16, 1894. Name, John McClave; position, commissioner;" that was the commissioner who had been examined before this committee in the early part of its session? A. Yes, sir.

Q. On July 18th, name, S. Wood McClave, deputy treasurer; do you know if he was in the department controlled by Commissioner John McClave? A. He was appointed by him.

Q. He was appointed as a deputy treasurer? A. Yes, sir.

Q. And, as a matter of common knowledge, his son? A. Oh, yes, sir.

Q. On July 18, 1894, Charles A. Grant, clerk; what particular position did Mr. Grant occupy there? A. Clerk to Commissioner McClave.

By Senator Bradley:

Q. Private secretary? A. Yes, sir.

By Mr. Goff:

Q. Did I hear "Private Secretary"? A. Yes, sir; confidential clerk.

Q. Do you know where Mr. Grant is now? A. I do not; no, sir.

Q. Do you know anything about him? A. No, sir.

Q. Is he entitled to a pension from the department? A. No, sir.

Q. These dates are correct of the resignation of Commissioner John McClave on July 16th, and the resignation of S. Wood McClave and Charles J. Grant on July 18th? A. Yes, sir.

Q. This other resignation has no reference to the committee? A. I think not; it occurred during that time.

Q. I ask you for the report of the resolution adopted by the police board in reference to the position of the men known as wardmen; please identify it; is that the resolution? A. Yes, sir. (Paper marked "Exhibit 4, Oct. 1 1894, L. W. H.")

Mr. Goff.—I read "Police Department of the city of New York, 300 Mulberry street, N. Y., Sept. 16, 1894. Resolution adopted. Resolved: That position of precinct detective, commonly known as wardman, be and the same is hereby abolished, and that police officers now filling the position of precinct detective or doing duty as such be remanded to post and be assigned

to patrol duty, and signed to other precincts by the superintendent. A true copy. William H. Kipp, chief clerk." Of course, this has reference, gentlemen, to the great volume of testimony adduced before you in reference to the practice of wardmen, and after that testimony had been adduced the police board abolished the office. I asked you to produce a record of any charges or complaints made against police officers of immoral practices; I hand you the copy.

A. That is the record, sir.

(Paper marked in evidence "Exhibit 5, Oct. 1, 1894, L. W. H.")

Q. This I see is from the year 1883? A. Yes, sir; 12 years, think you asked.

Q. Eighteen hundred and eighty-three to 1891; that is up to date though? A. Yes.

Mr. Goff.—The last date is 1891 from 1883. In relation to this matter, I read Rule 17 of the department: "It shall be the duty of the chief clerk in all cases where sergeants report members of the force affected with (two unmentionable diseases) to make charges against the members so affected, and if proven that such member has (the diseases, mentioning two) shall be ground of dismissal from the department." I find in 1893 Abraham Brunner, now in the Twenty-third precinct, under "disease" (unmentionable)—that is, it would be unmentionable, that is my word. "Duration of sickness, April 2d to April 10th, Surgeon Cook. Complaint made—yes. Disposition of complaint rpd." What does that mean? A. Reprimanded.

Mr. Goff.—I have the charge here.

The Witness.—I may say these complaints are made under Rule 124. Rule 17 has not been in operation since my connection with the department. I do not know why it has been reprinted there. Rule 124 has been always used for the purpose of these complaints, having the surgeon make them to the superintendent—124 and 179 I think.

Mr. Goff.—Rule 124. "Each surgeon shall make charges in writing, to the superintendent, against any member of the force who shall seek to evade duty on the pretense of sickness, or whose sickness or disability is caused by improper conduct, intemperance, or immoral or vicious habits or practises. When member of the force who has charges pending against him, and has been notified of the day of trial on such charges, reports sick, the surgeon in whose district he is shall be notified of the

nature of the complaint and the day of trial, at the same time he is notified that the officer has reported sick."

The Witness.—One hundred and seventy-nine is where charge is made under.

Q. That has relation to preliminary examinations for appointments on the force of those reported favorably to the sergeant that has relation to preliminary examinations? A. That has been renumbered since the charge was made.

Q. I will take the case of Abraham Brunner; charge read against Abraham Brunner, April 25, 1883, before Commissioner Mason; charge read; Police Surgeon S. G. Cook sworn.

"Q. Are the charge and specifications correct? A. Yes. Defendant sworn.

"Q. What do you say to the charge, Officer Brunner? A. I am a single man.

"Q. Are you guilty or not guilty? A. I am guilty.

"Q. You are guilty? A. It was accidental.

"Surgeon Cook.—He admits he was suffering from disease.

"The Defendant.—It was accidental.

"Q. Eight days on the sick-list; you admitted all to be

"Surgeon Cook.—He was eight days on the sick-list, from 8th to the 10th.

"The Defendant.—It was accidental.

"Q. You reported sick, did you? A. I did not know what was; I never had anything of the kind before.

"Q. No question about this, doctor?

"Surgeon Cook.—No, sir.

"Q. Is he cured now? A. He was able to go to work on 10th, since.

"Commissioner.—I will refer this to the board. The specification is conduct unbecoming an officer, in this, that the Officer Abraham Brunner, of the Eighth precinct, was on sick-list from the 6th of April, 1893, to six p. m. April 10th; the cause of said charge is sickness of an unmentionable disease, as signed by Surgeon Cook."

Q. Where is the official reprimand there? A. On the paper on the envelope.

Q. "Judgment reprimanded, and he is to relinquish all during his alleged illness;" now, Mr. Kipp, you say that rule 17 has not been enforced since you have been in the department? A. No, sir.

Q. How many years have you been in the department? A. Twenty or 23 years.

Q. These rules were printed in 1894? A. They have been reprinted, sir; in 1894.

Q. And this is the manual that is now in operation? A. Yes, sir.

Q. For the government of the police department? A. Yes, sir.

Q. And this rule 17 on page eight, as you see it there, according to your testimony, that is only a dead letter? A. It is, sir; because rule 124 is used for that purpose.

By Chairman Lexow:

Q. Has it been repealed or put into the book of rules by mistake? A. Really, when the rules were reprinted that rule 17 should have been left out, because 124—

Q. Would it have been left out unless there was a repeal of the rule? A. The rules have been amended from time to time.

Q. Was any motion there made to repeal that by the commissioners? A. No, sir.

By Mr. Goff:—

Q. And the rules have been printed several times in different editions of the rules? A. Yes, sir; it was determined that the surgeon should make the report; if they made the report to the superintendent it would be better than to have the charges made by the chief clerk.

Q. You see, this rule 17 provides for the dismissal from the force? A. If they choose, it would be ground for dismissal.

Q. But rule 129 does not make such provisions? A. Well, but for violation of the rules there would be ground of dismissal. Mr. Goff, under another rule here.

Q. It is not specified in rule 125? A. No, sir.

Q. But in rule 17 it is specified; I do not wish to read out any more names of these officers, but I will read out officer number two; "Nature of disease, unmentionable; surgeon's names, Mc-Clay and Dexter. No complaint made;" in 1884, against another officer: "Nature of disease, unmentionable; surgeon's name Dexter. No complaint;" in 1884, against another officer: "Nature of disease unmentionable; surgeon's name, Matthews. No complaint made;" in 1884, again another officer, now a

detective sergeant: "Another disease, unmentionable; surgeon name, Lyon. Complaint made, yes. Disposition, no decision. Have you got the papers there? A. We haven't the papers; it would be difficult to say who had them; probably a commissioner who tried the case, and we have never been able to cover them; Mr. Peterson has not.

Q. Is that thing possible in the working of the department that a complaint made against a police officer, that the papers should not be in your possession, and that they should appear? A. Yes, sir; they might be in the hands of either the commissioners.

Q. But it is very probable; this was in 1884; it is very probable that the commissioner that tried that case is not now in office? A. It might be so.

Q. And is it possible, under the rules and workings of the department, that the commissioners during their term of office may hear the complaints, and take the complaints, go out of office with them in their possession? A. Not usually; it might occur.

Q. And this is an instance of one case in which it has occurred? A. Very few papers are missing from these records, and that is one of them.

Q. I ask you to look at that name; I do not wish you to make it public, and state if that official is connected with the quarters? A. Yes, sir; he is, sir.

Q. In 1886; the name I do not wish to call here, because he is dead; I will pass that by; there was no complaint made in that case, however? A. I think he died with that illness.

Q. Of this unmentionable disease specified here? A. Yes.

Q. In 1891, Officer _____, nature of disease, unmentionable; complaint made, and complaint dismissed; have you got the complaint here? (Witness produces complaint.)

Q. Here is a "complaint made by Doctor Charles E. Nash, being sworn, testified:

"Q. Is that charge true? A. Yes, sir.

"Defendant testifies: How do you plead to the charge of Neglect of Duty."

Q. Where is the dismissal of this; on the judgment on the plea of guilty I find the letters D. C.; what does that mean? A. Complaint dismissed.

Q. So that the record says here that in this case, under No. 17, is case for dismissal from department, where the case

has been preferred by a police surgeon, and the charge admitted by the defendant, the complaint is dismissed? A. Yes.

By Chairman Lexow:

Q. These police surgeons are part of the force, are they not?

A. They are.

By Mr. Goff:

Q. Now, those are all the requisitions covering the period of time I called for? A. Yes, sir; that is all.

Q. During the existence of the present municipal police department those are all you find in relation to this specification matter? A. Yes; since 1883; back of 1883 we can not find.

Q. There is no record before 1883 of any charges having been made? A. No, sir.

Q. From 1883 to the present time you have supplied here all the charges that have been made? A. Yes, sir.

Q. So that in the history of this department, having a force of how much average—three to four thousand men? A. Thirty-five hundred.

Q. Averaging 3,500; with a force of 3,500 men, during a period of how many years in the municipal police? A. Since 1873.

Q. There has not been one case of dismissal for the cause mentioned in Rule 17? A. I don't know of any, sir.

Q. And all of the cases that are on record you have given us here number 1, 2, 3, 4, 5, 6, 7 cases.

Q. In one of which there was a reprimand, four of which there was no decision, one of which the defendant died, and the remaining one complaint dismissed, though the defendant pleaded guilty? A. Yes, sir.

Q. There is not much field for the abolition of that social evil in that department; I have asked you to produce a list of the case of members of the police department where the courts have reversed the findings and judgments of the commissioners for reinstatement on the force or restoration of rank, covering a period of the past twenty years. I ask you if this is the list of such reversals by the court? A. It is; yes, sir.

(Paper marked "Exhibit 6, Oct. 1, 1893, L. W. H.")

Q. I find in this list these cases, including two captains and the balance patrolmen, of officers against whom charges were made? A. Yes, sir.

Q. And these charges were considered by the police commissioners, and after the findings of dismissal in each case; I presume you can state whether or not they were appealed? A. Yes.

Q. And on appeal the courts reversed the findings of the commissioners? A. Yes.

Q. And they were reinstated? A. Yes.

Q. Now, I ask you—you have had a great deal of experience in the police department, its operations and laws and the effect upon discipline; what in your opinion is the effect upon the discipline of the police department of the reversals by the courts of law of the findings of the commissioners in the cases? A. I don't think that I could answer that, Mr. Goff.

Q. You don't think you could? A. No, sir.

Senator O'Connor.—Mr. Goff, have you brought out the fact whether the reversals were on technical grounds or on the question of injustice?

Mr. Goff.—No, sir; because we have not the record in each case.

Q. Have you any knowledge of the causes in the prevailing number of cases of the reversal by the courts? A. Well, I could select some of those cases, Mr. Goff, from the papers I have in the office, and give you that information later.

Q. But at the present time you can not? A. I can not; I would not like to give it; I have the papers in my office.

By Chairman Lexow:

Q. The writs? A. Yes, sir; I have the judgments of the Court of Appeals, where they have reversed them.

By Senator O'Connor:

Q. Do you think it would add to the efficiency of the force if the Legislature would make the decision of the board on the dismissal of an officer final? A. I do not think I can say that.

By Chairman Lexow:

Q. You can not form any opinion one way or the other on that point? A. No, sir.

Q. Do you think that the fact that the surgeons are part of the force has anything to do with the few complaints that are

made under that subdivision 137 of your rules? A. No, sir; I think the complaints were not made because they had no cause for them.

By Mr. Goff:—

Q. What is your opinion, since you have given us your thought, why there were not more complaints made; what is your opinion of the causes that led to the dismissal of the complaint in that case where the officer pleaded guilty? A. Mr. Goff, I have no doubt that there are many complaints of that kind, that the surgeons have no means of knowing; they can only make complaint where it is brought to their notice.

By Senator O'Connor:

Q. After a man has pleaded guilty to that rule, why should they dismiss the complaint? A. I don't know what the complaint was.

By Chairman Lexow:

Q. Is it not a fact that if a man has pleaded guilty and the complaint is dismissed, it has the effect of discontinuing all complaints by you and the surgeons? A. No, sir; the person might plead guilty in such a manner as not to cause his conviction.

Q. If it was done by accident, or in other ways that he got it?—

By Mr. Goff:

Q. Well, during your many years of connection with the police department, have you ever heard a rumor or a word that the police surgeon called in by the police officers suffering from these bad diseases, have been in the habit of charging a private fee to the officer? A. No, sir; I have never heard of it.

Q. Never heard of it before? A. I never heard of it.

Q. And, of course, you are a good, careful official, and you close your ears to anything except what concerns your own duty in your department? A. No, sir; If I heard of it I should know it; and would testify to it here.

By Chairman Lexow:

Q. Don't you think if a police surgeon sees a history like this, of a number of charges made, and in some cases admissions of

guilt; and in some cases suspension of judgment of decision; and in other cases an absolute acquittal; don't you think that would have the effect of discontinuing of making of charges under that rule? A. No, sir; I do not.

By Senator O'Connor:

Q. Would not the effect of that disposition of the case be likely to make the force think it was immaterial to consider that rule? A. It would seem so.

Mr. Goff.—I think that will do for the present. I have a line of testimony, gentlemen, on this question, which I consider very essential to the thorough work that has been done, and will be done by this committee; but I will have to break in, because we have a witness that desires to get away; and we will soon get at it again. Is Mr. Carpenter in court.

George W. Carpenter, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Mr. Carpenter, what is your full name? A. George W. Carpenter.

Q. And where is your residence? A. At Port Chester.

Q. Port Chester, New York State? A. Yes, sir.

Q. Where is your place of business? A. At the present time Fort Lee, New Jersey.

Q. What is your business? A. Contracting; contractor in stone.

Q. The work you are engaged in at the present time is quarrying at the Palisades? A. Yes, sir.

Q. Quarrying for trap-rock pavement? A. Macadam principally.

Q. Have you been engaged in doing work for railroad corporations in the annexed district? A. Yes, sir.

Q. When? A. From 1889, I believe, to 1892, or 1891.

Q. What was the nature of that work? A. Blasting, quarrying and breaking of the stones.

Q. For what railroad corporation? A. The New York Central.

Q. Just give us the immediate locality? A. The quarry was located at Fordham on the Harlem railroad, and we did the work for the depression, and on the Spuyten Duyvil, and on the Hudson River division.

Q. Along by the Harlem river there? A. Yes, sir.

Q. Well, did you have any business relations with Higgin-bottom? A. I could not say positively that I had.

Q. Did you have any relations at all? A. With him?

Q. Yes? A. I had relations with the policemen, but I could not say positively whether that was the name or not.

Q. What were the relations you had with the policemen; tell us the whole transaction; you have gone over it before, I suppose? A. Yes, sir.

Q. Frequently enough, so please tell us the whole transaction, without questioning on my part; tell us the commencing, and tell us the ending? A. We were located at Fordham there blasting; we had some pretty heavy work and a pretty large gang of men; we were working night and day and had 300 men on, and among the men were some rather tough characters; we had occasion frequently to call on the police, and I remember our first—I think our first connection with the police in any way was one evening; we had about \$3,000 or \$4,000 in the pay-roll; we had a little wooden shanty on the hill, and the men were rather quarrelsome; we sent down to Tremont for some officers; Captain Stephenson and two men, I think, two or three, came up, and we stated the object of our sending; we stated we thought we needed protection; he said he thought we did; he remained there a while, and as he went away my brother offered him a \$10 bill; he refused to take it; he said that any time we needed any protection or any assistance to send word and he would give us all he could; then after that we were blasting considerable in the quarry, and there was an officer came in the quarry one day; our foreman spoke to me, I think, and asked if we ever did anything for the police; I told him no; he said he thought it would be best to do it; that it was customary to give them something; on the strength of that I put up about \$20, I think, in an envelope, and left it with the book-keeper for them to have every month.

Q. What did you give the \$20 for? A. Well, where we were it was an isolated place, and a pretty hard place; we had very hard characters working for us—the Hungarians and Poles from Pennsylvania—and, in fact, there was probably 2,000 men at that time working on the depression, and it was the headquarters of a great many tough characters, and we thought we needed the protection; one officer would command more respect than a half a dozen foremen.

Q. Now, Mr. Carpenter, you have made some affidavits in this case, haven't you? A. Yes, sir.

Q. You have sworn to some affidavits in this case, haven't you? A. I believe I have.

Q. You know whether you have or not, don't you? A. I do not; I do not remember whether I have or not.

Q. Do you remember being before the grand jury? A. Yes; I was.

Q. And don't you know you swore to an affidavit before the district attorney? A. I presume I did; but I don't recall now.

Q. Never mind the presumption; you know; you are a business man; do you mean to say you can not remember whether you took an oath or not? A. I remember taking an oath.

Q. And you signed your name to a paper? A. I believe I did.

Q. Didn't you state in that paper that one of your foremen had been arrested for making a blast in a way not permitted by law? A. I think I stated that I thought that my impression was that a man named Reilly was arrested; I have asked Reilly since, and he says he was not arrested.

Q. It was after the fact of Reilly's arrest, or at least your impression of Reilly's arrest that you put this \$20 in this envelope for an officer, wasn't it? A. I could not say as to that; I think not; I could not say.

By Chairman Lexow:

Q. Was it about the same time? A. If I made that statement I think I could correct it by saying that I question whether any man was ever arrested there; I had the impression they were arrested.

Q. Did you have the impression that he was arrested at the time you put the \$20 in the envelope? A. Oh, no.

By Mr. Goff:

Q. Why did you put the \$20 bill in your envelope. Your quarry was in Fordham; that is within the limit of the city of New York? A. Yes, sir.

Q. Why did you put the \$20 bill in the envelope? I wish to say one word, that you have taken an oath and signed that paper before the district attorney of this county or one of his assistants? A. Yes, sir.

Q. You have also testified before the grand jury of this county? A. Yes.

Q. So there are two records of testimony in this case; now, you are making a third record here; and I speak for the committee when I say to you that false swearing before this committee is perjury, for which a person guilty of false swearing may be convicted and sent to the State prison? A. Yes, sir.

Q. I merely wish to refresh your recollection as to that fact.

By Chairman Lexow:

Q. You understand this oath is binding on your conscience?

A. - Why, certainly.

By Mr. Goff:

Q. Tell us why you put this \$20 in an envelope? A. We did it for the protection of the police; to have the police protection.

Q. For police protection? A. Yes, sir.

Q. Well, police protection, in what direction? A. Well, we had dynamite stored there; I remember particularly one day we received a telegram from Clark & Wisbeck to be very careful to have men watch the dynamite; it was the time of the great strike on the Central road when the trains were not running—it said to have the dynamite watched and be extra careful; we had men stationed there, and also asked for police protection; they came there and remained there perhaps for three or four days or a week, and it went for that, that was protection; we felt grateful in one sense to have that protection, and we paid for it.

By Chairman Lexow:

Q. You know there is an ordinance against the storage of dynamite inside the city limits, don't you? A. Well, we complied with that; we are allowed to store a certain amount.

Q. And also an ordinance in reference to blasting? A. Yes.

Q. And was it for the purpose of having the police close their eyes in reference to your breaking this ordinance that you gave this amount? A. No, sir; we gave \$10,000 bonds to the city to protect it.

By Mr. Goff:

Q. Didn't you swear in an affidavit that one of your foreman was arrested for violating the ordinance, and that this

Officer Higginbottom then informed you that there would be no more interference provided the right thing was done; did you swear to that in your affidavit? A. I think I did; my impression was —

Q. Now, never mind; you did; was that true or false? A. As far as the —

Q. Was it true or false, please; answer my question? A. It was partially true.

Q. And partially false? A. No; I don't think there was anything false about it.

Q. Then it was true? A. Well, I think —

Q. Don't think, please; I want the fact; at the time you swore to that in your affidavit, was that statement true or false? A. That was true; but I would like to qualify that to a certain extent.

Q. No, no; it was either true or false, was it not? A. Yes, sir.

Q. And you say it was true? A. There is no occasion —

Q. You say it is true? A. Yes.

Q. Do you deny it was not true? A. No; it was true, but I made that statement —

Chairman Lexow.— Just answer Mr. Goff first, and you can make an explanation afterward.

A. Yes, sir; that was true; now would I be allowed to make the explanation.

Chairman Lexow.— You can make the explanation afterward.

By Mr. Goff:

Q. When that officer said, provided the right thing was done; what did he mean by the "right thing;" or what did you understand that he meant by the "right thing;" now what did you understand that he meant by the right thing? A. That he, I suppose, wanted money.

Q. That is it; well, now wasn't there an agreement then as to the amount of money he wanted? A. There was not.

Q. Well, how was the sum of \$20 fixed? A. That I think was suggested by one of the foremen in the quarry.

Q. Your books, which were examined, contained an entry to "Capt. S., \$20;" what does that entry mean? A. That entry went to show that it went to the police department.

Q. But who did "Capt. S." refer to, what individual? A. I presume that referred to Captain Stephenson at the time.

Q. He was in command of the precinct at the time? **A.** Yes, **r.**

Q. Then there was another entry to "The old man."

By Chairman Lexow:

Q. Who made these entries, Mr. Carpenter? **A.** I made them, **metimes.**

By Mr. Goff:

Q. Did you make that entry, "The old man"? **A.** It is possible I did.

Q. Don't you recollect whether or not you used that expression? **A.** I know we refer to "The old man," or to the captain, frequently; that is taken out of my petty cash.

By Chairman Lexow:

Q. Where did you get the expression "Old man" from; is that the way of speaking of the captain in your district? **A.** I don't know how that specially came to be used.

By Senator Bradley:

Q. Did you have an agreement with his man up there? **A.** Not that I know of.

By Mr. Goff:

Q. Now, as a matter of fact, was not this money paid to the police so that you would not be interfered with in your blasting; now isn't that the truth. **A.** Not fully, sir.

Q. Well, partially? **A.** There was something.

Q. That was an element in the case? **A.** That was an element, yes, sir.

Q. That is one element; what is the next element? **A.** Not their good will; that was the main element.

Q. Now there are the two elements; what was the next element that existed? **A.** I don't know that there is any other element.

Q. We have the two elements that money was paid to the police that they would not interfere with your blasting; and second, you got their good will; one element included the other element; their not interfering with you in your blasting would

show good will, wouldn't it? A. What I mean by good will, is that they were there to protect us; we had a commissary on the premises that was robbed two or three times, and our magazine was broken open.

Q. Are you not aware that the citizens of New York pay about \$5,000,000 annually to the police to protect the citizens? A. The outlying districts get very little of it.

Q. Unless you pay especially for it; is that it? A. I don't say that; but we—

Q. You had to pay specially, and you got it; isn't that the fact? A. That is pretty near it.

Q. How frequently did you see this officer? A. I think he received that monthly about.

Q. And did he ever say anything to you in the act of receiving the money? A. I don't remember, sir; I do not know that I ever gave it more than once or twice to any of them.

Q. Well, then, it was not the same one that called for it all the time, was it? A. No, sir.

Q. Different men? A. Different men.

Q. How many different men altogether? A. I could not tell you, sir; perhaps two or three or four different ones that I have seen there.

Q. Getting this money for that purpose? A. Yes, sir.

Q. Were they in uniform or in civilian's clothes? A. I think usually in uniform; that is my impression; I would not say; I am quite certain it was; but I would not say positive.

Q. You are unable to identify one or more of those men to whom the money was paid, are you not? A. I don't know that I could, sir.

Q. How did you single out the name of Higginbottom? A. I did not single out the name; I do not know the man's name; and I don't know that I ever heard it before Mr. Wellman told me the man's name.

Q. Did you see the officer that was accused? A. I did, sir.

Q. Where did you first see him? A. I have seen him at Fordham at our quarry.

Q. After you saw him at your quarry, where did you first see him after this matter was commenced—after the investigation commenced? A. At the hotel, I think.

Q. The Hotel Waldorf, wasn't it? A. Hotel Waldorf; yes, sir.

Q. Wasn't that before you made the affidavit? A. No; I think not; no, sir; it was after.

Q. Was that the first interview you had with the district attorney, Mr. Wellman or Mr. Osborn? A. Oh, no; I had seen Mr. Wellman previous to that.

Q. And you had told him the story? A. Yes, sir.

Q. Did you tell him the name of the officer? A. Yes, sir.

Q. Can you tell this committee how it was the district attorney after his interview with you could get Higginbottom to go to the Hotel Waldorf to meet you? A. I could not tell you how he did it.

Q. Isn't it strange that if the district attorney did not get some information from you as to the identity of the officer to whom you paid this money, how could the district attorney have had this officer to confront you at the Waldorf? A. In that book there is entries to the wardman, to special officer, and I presume that is how he got the name of Mr. Higginbottom; that is, he found out who the wardman or special officer of that district was; I do not know the man's name; and I think you will find his name in the book once.

Q. You met this man at the Waldorf? A. Yes, sir.

Q. Who was present? A. There were a number of gentlemen.

Q. Tell me who they were? A. The only ones I know was Mr. Wellman and Mr. Osborn, and this Mr. Higginbottom; those were the only three that I —

Q. Let me see, there were two others? A. I think there were three or four.

Q. Two of them were officers of the detective bureau from Headquarters; do you remember that, sir? A. I remember seeing a strange gentleman there; I don't know who he was.

By Chairman Lexow:

Q. Did you recognize Higginbottom? A. I recognized him as a man I had seen at the quarry.

By Mr. Goff:

Q. Was Higginbottom in uniform at the Hotel Waldorf? A. I think not.

Q. You identified him as the man you saw at the quarry? A. Yes.

Q. And didn't you identify him as the man whom you gave the money to? A. I said that that was the man.

Q. Didn't you say in these words to Mr. Wellman in the hearing of the four or five persons; now, I ask you to be cautious for your own sake; didn't you say that you would know that man anywhere you saw him? A. Yes; I would know that man.

Q. And didn't you say that that was the man to whom the money was given at the quarry? A. I said I thought that was the man.

Q. Will you swear you said you thought? A. I will; yes, sir.

Q. You thought that was the man? A. I thought that was the man, and I told him—

Q. Weren't you asked by the district attorney, Mr. Wellman or Mr. Osborn, to be sure? A. Yes, sir.

Q. In your identification of that man? A. Yes, sir.

Q. Didn't the gentlemen tell you if you were sure in your identification of this man that they would present the matter to the grand jury? A. Yes, sir.

Q. And after being told that and warned to be sure this was the man, you told them you thought this was the man, and you would know the man? A. I told them I thought that was the man.

Q. Didn't you say this is the man and I would know him anywhere? A. Yes, sir.

Q. And Higginbottom stood right there in front of you in the room in the Hotel Waldorf? A. Yes, sir.

By Mr. Goff:

Q. If he was such a man that you would know him anywhere, how did you have to question your identification by your thought? A. I say in reference to that, I think I know the man, and I think that is the man that took the money, that received the money.

Q. He was such a man, some peculiarity about him, that you would know him anywhere; if that is true, why did you qualify your identification at all? A. Well, I had not seen the man before I had seen him at Fordham.

Q. Didn't you say in the Hotel Waldorf that you could not make a mistake, because you had good reason to know him; didn't you use those words, "I have good reason to know him?" A. I think I did.

Q. Will you swear you did not say those words? A. I think I did.

By Chairman Lexow:

Q. Don't you know you did? A. What?

Q. That you used those words? A. Yes, sir; I used those words, "I think that is the man."

By Mr. Goff:

Q. After your interview at the Waldorf, with Mr. Wellman and Osborne, and after your identification of Higginbottom you were examined before the grand jury? A. Yes, sir.

Q. You knew Mr. Wellman had applied for a bench warrant for this officer's arrest after your identification? A. Yes, sir.

Q. And a bench warrant was issued for his arrest on the charge of bribery; you were so informed, were you not? A. Yes, sir.

Q. Now, you were also informed that he was held to bail, were you not? A. Yes, sir.

Q. And you were then informed and notified to appear before the grand jury of this county upstairs? A. Yes, sir.

Q. Do you remember that? A. Yes, sir.

Q. And you went before the grand jury? A. I did.

Q. And in the face of your sworn testimony now, and in the face of your declaration at the Hotel Waldorf, and in the face of your affidavits that you made you failed to identify him before the grand jury, didn't you? A. Yes, sir; I did fail to identify that man positively; I think it is the man, but I would not swear positively.

Q. Do you mean to say you said before the grand jury, "I think this is the man;" your evidence was taken before the grand jury; do you mean to say you said that? A. That or something very similar to it.

Q. Didn't you say before the grand jury, "I paid money to an officer, but I am not able to identify the particular officer, or his name. I paid it to;" didn't you say that before the grand jury? A. I think it is about that.

Q. Don't you know you did; your testimony was taken down? A. I could tell if I saw the statement; that is about what I said.

By Senator O'Connor:

Q. Why had you changed it; between your interview at the Waldorf and your being before the grand jury, what occurred to change your opinion? A. I don't know.

By Mr. Goff:

Q. Why is it if you identified this man at the Waldorf, you made an affidavit in the presence of five witnesses, and you said, "This is the man; I have reason to know him, and would know him anywhere;" and when you went before the grand jury you said you could not identify him; can you explain that now to this committee? A. I think when I was at the Waldorf I said, "I think that is the man, that I have reason to know him;" when I went before the grand jury I was not asked positively, and I said I could not—I thought it was the man, but I would not swear positively that was the man.

Q. But you have sworn positively?

By Chairman Lexow:

Q. What occurred between the time of the grand jury and now that you are positive now that he was the man? A. I don't know that anything special occurred, sir; I had given it more thought previous to that; I have not given it a great deal of thought.

Q. Newspaper reporters have been interviewing you, haven't they? A. In their mind they have, sir; a great many of them.

Q. Haven't you been visited by newspaper reporters? A. I saw but one.

Q. Haven't you talked with a newspaper reporter? A. No, sir; not.

Q. The matter came up to you, didn't it? A. He wanted to interview me, but I told him I had nothing to say on the subject.

Q. You are in the position of the man who wants to take back an interview by denying it? A. There was no interview at that time.

Q. The matter was brought to your attention by the newspaper reporter, wasn't it? A. Yes, sir.

Q. You had time to think of it again? A. Yes, sir.

Q. The matter was again brought to your attention when you made the affidavit? A. Yes, sir.

Q. The matter was again brought to your attention when you were meeting at the Hotel Waldorf and present with Higginbottom? A. Yes.

Q. Covering a period of about 10 days? A. Yes, sir.

Q. And during those 10 days you had ample time to think of the matter, and yet when you went before the grand jury you

mediately commenced to take a different stand, did you not?
 That is about it.

By Chairman Lexow:

That is about it, do you say? A. Yes, sir.

By Mr. Goff:

Now, Mr. Carpenter, tell us the nature of the business you engaged in more particularly; you are blasting at the Palisades, aren't you? A. Yes, sir.

For whom? A. For different parties.

Give us the names of the parties? A. The city of Yonkers; Hill & O'Hearn.

Who are they? A. Contractors at Yonkers; Brown & Fleming.

Who are they? A. Contractors in New York.

What work do they do? A. They are the largest scowmen in New York; they are heavy contractors; they furnish materials on scows of all kinds.

Scows for whom? A. For anyone that wants them.

Where is this macadam used? A. It is used all over, Long Island principally.

Brown & Fleming — who else? A. Romey & Eldritch of Long Island.

Where on Long Island? A. I think their office is in Jamaica.

Who else? A. We furnish Staten Island; we furnish to Rye Island Point, and probably 20 different ones; anyone that buys.

How is it, do you quarry over there, on paying the owners of the land of the quarry, or do you do it on space, or contract, or lease, or how, at Fort Lee? A. We lease the land.

From the owners there? A. Yes, sir.

And you get out this macadam? A. Yes, sir.

Some of your macadam has been used in the department of public works in this city, hasn't it? A. Yes, sir.

Who are the contractors? A. I don't know, sir.

It has also been used in the department of public works in the city hasn't it? A. I presume it has.

Who are the contractors? A. I don't know, sir.

How do you know it was used? A. I know we furnish to Hill & O'Hearn, and Brown & Fleming furnished to the contractors.

Q. And of course that forms a large part of your business?
A. New York city work.

Q. New York city and Yonkers? A. No, sir.

Q. And Yonkers? A. Oh, no.

Q. You are in the habit of furnishing to those contractors now, aren't you? A. Which one, sir?

Q. The ones that supply the public departments of this city?
A. Yes, sir; I presume we are; I don't know where Brown & Fleming sends the stone.

Q. Isn't it a fact that after you positively identified this policeman, that you were asked not to make the identification positive before the grand jury? A. No, sir.

Q. Don't shake your head, please? A. I will answer, I was not.

Q. Did any person approach you in any manner, shape or form from the time that you visited the district attorney at the Waldorf until you went to the grand jury in relation to the matter under consideration? A. I don't think any person approached me on that subject.

Q. Will you swear that no person talked to you about that matter, from the time you were at the Hotel Waldorf until you went to the grand jury; will you swear you were not approached and talked to by persons in relation to this matter, in the meantime? A. I do not think I was by any person; in fact —

Q. Will you swear you were not? A. I would not swear, because it is possible that they have — now, some of the men at the quarry, or at the mills, or Mr. Anderson, have spoken in reference to it; but others —

Q. Will you swear you were not spoken to by a person after you had been to the Hotel Waldorf, and after it had appeared in the public press; were you not spoken to by a certain person, and were you not told that it would injure you in your business, if you identified that policeman, and he was indicted?
A. I will swear positively that I don't remember any man ever saying such a word to me; I will swear positively.

By Chairman Lexow:

Q. Will you swear nobody ever did? A. I will not, that is, positively; but I don't think there did.

Q. After your identification at the Waldorf hotel, you talked with one of your employes, not the foreman? **A.** No, sir; and it is something I never talked about.

Q. Did anybody ever tell you after that, that you had the wrong man? **A.** No; I don't think they did.

Q. Why were you not positive before the grand jury that it was Higginbottom? **A.** Now, I will tell you; at the Waldorf there were several district attorneys and others there that seemed to be determined to have this Higginbottom convicted, and wanted, and was very anxious to put words in my mouth, so to speak, wanted me to make a complaint against him.

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By Mr. Goff:

Q. Do you mean to say that Mr. Wellman and an assistant district attorney of this county, and Mr. Osborne, another gentleman, under their oaths of office, wanted to put words into your mouth for the purpose of making complaint against Higginbottom; do you mean to swear to that? **A.** No; they did not put words in my mouth, but they were very eager.

Q. How did they manifest their eagerness? **A.** By the same manner you do now, sir.

Q. It was by gesticulation? **A.** No, sir; it was by their earnestness.

Q. They being earnest, their earnestness was directed to getting you to tell all the facts; wasn't it? **A.** Yes.

Q. To tell the truth? **A.** Yes.

Q. What I am vainly trying to do now, Mr. Carpenter. **A.** I think you are mistaken, sir.

By Chairman Lexow:

Q. The fact was, Higginbottom was present, and you in his presence and hearing identified him, didn't you; is that so? **A.** Identified him as the man I had seen at the quarry.

Q. And when he was not present, you refused to identify him as the man? **A.** I would not swear positively he was the man.

By Mr. Goff:

Q. You said in answer to the Senator that you would not swear that you were not spoken to by a man, and that you were not told by that man that you could not afford to fight the

police department, and if you pressed your charge it was worse for you in your business; will you swear you were spoken to in that way? A. I don't remember anybody saying a word to me about it.

Q. Do you think if anyone had said that you, under circumstances, you being subpoenaed to go before the grand jury that you would have forgotten it now? A. No; I don't think I would have forgotten it.

Q. Will you swear it is a failure of your memory? A. I will not.

Q. Will you swear you were not spoken to? A. No; I don't.

Q. Who was it you spoke to? A. I don't think anybody, sir.

By Chairman Lexow:

Q. You must have somebody in mind, or some circumstances in mind, when you refused to swear positively that you were approached; now, what have you in your mind that has unsettled you on that subject? A. I know a Mr. Andrus, superintendent over the quarry, after he saw it in the paper he made some remarks about it.

By Mr. Goff:

Q. What did he say? A. Well, he wanted to know who was the man, or something of that kind; I don't remember what he said.

By Chairman Lexow:

Q. In answer to the counsel's question, you said you didn't say anything about those things to anybody? A. I didn't talk to the man at all.

Q. Why did you bring in his name? A. I can not say positively anybody spoke to me about it, because Anders didn't speak to me on that subject; but three words did come between us.

By Mr. Goff:

Q. Will you swear he did not say those words? A. I don't swear he did.

Q. You mean to say the words were never uttered to you, that it would injure you in your contracting business in the city of New York, and other work you might have in the city of New York, if you pressed this charge against the police; will you swear you were not spoken to in that way? A. A man might have spoken to me that way; I could not swear; I don't think he ever did, though.

Q. Who was it that spoke to you about it? A. I don't think anyone spoke to me; it is possible someone did; no one that I know of.

Q. But you say that someone might possibly speak to you? A. Yes; it is possible.

Q. Why do you say that? A. They might have done it.

Q. Who? A. Ten thousand could have done it; but I will say positively, that no man to my knowledge ever suggested one word of that kind to me, since I was before the grand jury.

Q. No; before you went to the grand jury? A. Oh, before? or before; I mean since I was at the Waldorf.

Q. You say to your knowledge? A. Yes, sir.

Q. They have done it without your knowledge? A. Yes, sir; a man might speak to me.

Q. I think we will give you an opportunity to refresh your memory, Mr. Carpenter, for the present.

By Chairman Lexow:

Q. I want to ask him one or two questions; have you given us the whole of the conversation that occurred between you and Higginbottom, or the first policeman who spoke to you with reference to money? A. Have I given you the whole conversation?

Q. Yes; have you given the whole conversation; do you remember anything else that was said beyond what was put in the question of Mr. Goff? A. I don't remember any conversation now; it happened four or five or six years ago.

Q. Did he say anything about the captain of the precinct? A. I don't think that he did.

Q. Will you swear he did not? A. I won't swear he did not; I don't think he did.

Q. You don't think he did? A. I don't think he did.

Q. How long after that conversation was it that that affidavit was made? A. I don't know.

Q. Was there any conversation with the wardman in which the captain was mentioned? A. That I could not say.

Q. You understood, in your conversation with the wardman that the money you paid was to go to the captain? A. I could not remember now where it was to go; I could not say; I know it went in the police department.

Q. The fact that you entered these amounts on the books payable to the captain, does that refresh your recollection to whether his name was used in the conversation at all? A. No, sir; that was done the same as the others; it was a question where that money went.

Q. Why didn't you designate the wardman instead of the captain? A. I think wardman is used.

Q. You said wardman, as representing the captain? Sometimes, "The old man;" sometimes, "The special officer." I suppose this went to the police department.

By Senator O'Connor:

Q. What department? A. The police department.

Q. For what? (The witness makes a motion and does not answer.)

By Senator Bradley:

Q. Why did you put down "Captain"? A. It was to designate where the money went.

Q. And you put down "Old man" for the same? A. Yes.

By Chairman Lexow:

Q. You had conversations; you say three or four other different men came to collect these moneys; did you have any conversation with the three or four men after this conversation in reference to money? A. I had very little to say.

Q. You knew all about it; you knew the amount they were to receive; they knew the amount they were to receive? A. I do not know whether they did or not.

Q. Was the envelope addressed? A. No, sir; "Officer," usually; the envelope was addressed "Officer," and put in a drawer for the bookkeeper to give when the officer came; I was there much of the time; and at that time we were working at different stations.

Q. And different officers came at different times and collected this money, apparently knowing what they were to get? A. Yes, sir.

By Senator Bradley:

Q. What was the space of time that elapsed between your identifying this officer in the hotel and until you appeared before the grand jury; how long? A. A week or 10 days; it may be longer.

Q. Do you wear glasses? A. Yes, sir.

Q. Had you changed your glasses? A. No; I think not.

Q. You think your sight was as good before the grand jury as in the hotel? A. I think it was pretty nearly the same.

Adjourned until half-past 2 p. m.

William H. Clark, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your official position in this city? A. Counsel for a corporation.

Q. How long have you occupied that position? A. Something over five years.

Q. Does not that position as counsel to the corporation of this city devolve the duty upon you as being the counsel for the police board? A. It does.

Q. Have you designated one of the assistants of your office to look after all matters in which the police board is interested? A. Not generally; I designated different ones at different times, according to the nature of the proceeding that was to be handled.

Q. At one time it was the rule to have a special counsel for the police board — that was before your official time, I think?

A. My recollection is that there was an act which authorized the appointing of a counsel for the police board, but I think that was repealed; I think Mr. Morrison was the counsel to the police board under that act.

Q. In the conduct of the police trials up there, you have designated one of your assistants to aid and counsel the police commissioners? A. I did, up to the beginning of the trials of the captains; I designated at one time Mr. Delaney, and on another occasion I designated Mr. Blandy.

Q. He represented you in the trial of Captain Slevin, for instance? A. Yes; I think he did.

Q. The committee would like to know how it came to pass that you were superseded in your official position as counsel to the police board? A. I was not superseded, in the strict sense of the word; the circumstances that led up to the selection of Mr. Wellman, to prosecute the different captains charged with violations of law and the rules of the department were these: Commissioner Martin called on me at about the time that specifications were being prepared for the trial of Captain Doherty; I think it was the trial of Captain Doherty, and talked about the selecting of somebody to represent the law department in that proceeding, then to be begun; we discussed different men in the office, and I do not know whether he suggested or whether I suggested that possibly Mr. Wellman, in the district attorney's office, would be a better man to prosecute those cases, because of the success that he had had in the district attorney's office, and because of the fact that the district attorney was supposed to have facilities of getting the sort of evidence that was required in those cases; subsequently, I saw Colonel Fellows, and discussed the matter with him, and he was quite willing that Mr. Wellman should undertake them, if Mr. Wellman was willing, and I saw Mr. Wellman at my office and formally designated him to look after the trial of those cases.

Q. Then he has been designated as assistant corporation counsel for the trial of those cases for the police commissioners?

A. As assistant corporation counsel or as special counsel for that purpose.

Q. Special counsel employed by the department — by you? A. Yes.

Q. Then you are able to state that Mr. Wellman did not prosecute those cases as a district attorney of this county? A. He did not — that is my understanding of it, that he did not.

Q. May I ask you if your designation was in writing? A. My designation was in writing; my recollection of the designation was about like this: "I designate you to conduct the proceeding about to be begun by the police board in the trial of certain captains."

Q. Was there any mention there touching his associate Mr. Osborne? A. There was not at that time.

Q. Has there been since? A. Not so far as I am concerned; the selection of Mr. Osborne, so far as the record goes, is a selection by Mr. Wellman.

Q. What provision has been made for the compensation of the special counsel? A. What general provision?

Q. General or special? A. No provision has been made for the payment of the special counsel; I have paid Mr. Wellman on account of the services already rendered, \$2,500; but I understand he claimed a larger sum, but I have no appropriation out of which it can be paid, and the board of estimate will have to deal with that subject, when it comes to make up the final budget.

Q. Of course, I direct my questions, not at all to the quantity of money given to Mr. Wellman, or as to the value of his services, I am not here to do that at all; that is a matter that I will not question you about; we are simply interested in the legal status? A. No general provision has been made for the payment; I imagine that covers your question; if it does not, I will try and give it more in detail.

Q. You have a special fund in your office for the purpose of employing counsel in special cases, have you not? A. Yes, sir; and it was out of that fund that I made this payment that I have spoken of.

Q. Has it occurred to you that Mr. Wellman, being a county officer, could legally receive such payment? A. I think he could; my impression of the law is that an assistant district attorney is a county officer; that he is not a city employe in any sense of the word; that there is nothing that would prohibit him from taking city employment; I think there is a very clear line drawn, I imagine there is, between the county officer and a municipal officer.

Q. Has there not been a decision rendered that no officer employed in this State, by either county or municipal authority, can draw double pay? A. I only have in mind the McDonald case.

By Chairman Lexow:

Q. How is this pertinent? A. The McDonald case was a case where Collin McDonald was a visiting physician in the charities and correction, and was employed in some other matter and sued

the city for his pay; I am stating the thing as I recollect am not pretending to be accurate — and that as a judge court held that his employment was not a city employment.

Q. In your professional capacity, of course, you have been acquainted with the various certiorari proceedings, in detail, in general? A. I have seen a great deal of them.

Q. And during your term of office a great number of them have been taken? A. Yes, sir.

Q. By officers who have been dismissed? A. Yes, sir.

Q. I presume you have given that subject some attention affecting the discipline of the police force? A. Well, in a general way.

Q. Could you give us an approximate amount of the number of cases that your department has argued and attention arising from appeals from the decision of the commission? A. I should say 15 or 20, or probably more; may be 25.

Q. And each of those cases in charge have devolved a great deal of labor on your part for the department? A. Yes; the preparation of the cases and in the returns and the petitions of the briefs, and the argument of the cases before the General Term and sometimes before the Court of Appeals.

Q. In those cases, where reinstatement, for instance, has been ordered, the expenses have fallen upon the city, the treasury, have they not? A. Not only the expenses, but the city is compelled to pay the officer the back pay, that is, he is paid from the time he was broken, in the police language, down to the time he was reinstated, although he was not actually in the force during that time.

Q. Have you had any opportunity to observe the effect of that system upon the police department; the effect of that system as to the discipline and efficiency? A. No; I cannot say that I have; I have an idea that it does not tend to improve the discipline any better — any more effective.

Chairman Lexow.— Do you not think it impairs it? I should think it did; I should think the fact that an officer is given a right after he has been tried and dismissed to bring proceedings by certiorari to one of our courts here, and from there to the Court of Appeals, particularly if the member was stated — well, it would not tend to improve the discipline of the force.

By Senator O'Connor:

Q. Where the court interfered in the cases of the police board, except in the case where there was substantial injustice done, what about that? A. I do not know that I would want to go so far as to say that the police board should have power of summary removal.

By Mr. Goff:

Q. After a trial; after such a trial as the statute now provides, where the accused can have counsel and have a fair and full opportunity to be heard on the merits of the case? A. That could be there easily obtained by a very slight amendment.

Q. Do you not think that would be advisable; do you not think it would have a tendency to improve the discipline of the department, the question not being any criticism of the Supreme Court, but whether or not the right of review that the policemen now have, tends to impair the efficiency and discipline of the force as against the police commissioner? A. I would not want to go as far as that; I will say this, that the statute under which trials are now conducted ought to be amended.

Q. And to what extent? A. I think it ought to be limited; I would not care about going to the extent of saying that a man should have no right to appeal, or a right of review; I imagine that there might be certain contingencies where the right of review should be had, for instance, where there were a divided opinion among the commissioners.

Q. He can not be dismissed then, if there is a division? A. Assuming that there was a minority, three against one; it might provide that where there was a concurrent vote of all the commissioners that that should be final.

By Senator O'Connor:

Q. Are reversals had on mere technical admissions of evidence; on objection to testimony before the commissioners? A. The authorities governing those certiorari proceedings are pretty badly mixed; as I remember the law now, the Court of Appeals have held that if the evidence is such that the finding of a jury would be set aside, then that the courts will review it; if there is not such a preponderance of evidence, that the court would set aside a verdict of a jury, then the finding

Q. And of course that forms a large part of your business?
A. New York city work.

Q. New York city and Yonkers? A. No, sir.

Q. And Yonkers? A. Oh, no.

Q. You are in the habit of furnishing to those contractors now, aren't you? A. Which one, sir?

Q. The ones that supply the public departments of this city?
A. Yes, sir; I presume we are; I don't know where Brown & Fleming sends the stone.

Q. Isn't it a fact that after you positively identified this policeman, that you were asked not to make the identification positive before the grand jury? A. No, sir.

Q. Don't shake your head, please? A. I will answer, I was not.

Q. Did any person approach you in any manner, shape or form from the time that you visited the district attorney at the Waldorf until you went to the grand jury in relation to the matter under consideration? A. I don't think any person approached me on that subject.

Q. Will you swear that no person talked to you about that matter, from the time you were at the Hotel Waldorf until you went to the grand jury; will you swear you were not approached and talked to by persons in relation to this matter, in the meantime? A. I do not think I was by any person; in fact —

Q. Will you swear you were not? A. I would not swear, because it is possible that they have — now, some of the men at the quarry, or at the mills, or Mr. Anderson, have spoken in reference to it; but others —

Q. Will you swear you were not spoken to by a person after you had been to the Hotel Waldorf, and after it had appeared in the public press; were you not spoken to by a certain person, and were you not told that it would injure you in your business, if you identified that policeman, and he was indicted?
A. I will swear positively that I don't remember any man ever saying such a word to me; I will swear positively.

By Chairman Lexow:

Q. Will you swear nobody ever did? A. I will not, that is, positively; but I don't think there did.

Mr. Goff.— It was contended on the part of the police board that it was from intoxication.

Senator O'Connor.— In other words he had a prolonged spree?

Mr. Goff.— Yes.

The Chairman.— Was the application first made to the police commissioners for reinstatement?

Mr. Goff.— They generally apply for a writ of certiorari in the first instance from the judgment of the police commissioners.

Senator O'Connor.— In this case had the police commissioners given him an opportunity to be heard.

Mr. Goff.— He was tried and represented by counsel and witnesses examined on his behalf.

The witness.— I recollect the case now, that is the law of the General Term. I do not think the case had been carried up.

By Chairman Lexow:

Q. The writ of certiorari has been applied for in every case of every policeman, captain, sergeant and wardman, who was dismissed from the force, in proceedings taken upon the evidence produced by this committee there not? A. I think that is so.

Q. And you represent the city on those proceedings? A. I represent the city, and I have suggested that Mr. Wellman, in as much as he tried those cases, had better sustain them.

Q. Have any writs of certiorari been issued for technical reasons, for the admission or rejection of testimony, or because of errors in the admission of testimony by the police commissioners? A. I could not answer that question, but I imagine the writs of certiorari brings up the whole proceedings; I have not the writs before me; I have not them here; I can get them all for you.

Chairman Lexow.— You had better have those, Mr. Goff, to show the grounds on which they have been applied for.

By Senator O'Connor:

Q. As a practical lawyer, what do you think of the advisability of constituting the police commissioners as a court for the trial of these things of the officers, having the same power that any court of record has? A. No doubt they ought to have that power.

Q. In order to effectually administer the law? A. Yes; and in order to preserve order and decorum.

By Chairman Lexow:

Q. And in reference to the issuing of subpoenas? A. They have that power now, I think.

Q. They have no power to commit for contempt? A. No; but they have power to issue subpoenas, but they have no power to punish.

By Senator ———:

Q. They have no control over the attorneys appearing before them? A. Nor for the witnesses.

Q. They can act as disorderly as they please.

Louis J. Grant, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. Practicing at our bar here? A. Yes, sir.

Q. For how many years? A. Twenty.

Q. In the course of your practice, have you had any cases before the police board? A. Yes, sir.

Q. Many? A. Considerable number; yes, sir.

Q. Can you give us an approximate number? A. Do you mean cases that I—

Q. Trials? A. I presume in the last 18 years, I have, probably, defended possibly 500 or over, members of the force, on charges.

Q. On various charges brought against them? A. Yes, sir.

Q. Have you appealed many cases from the decision of the commissioners? A. Yes, sir; I have appealed a considerable number.

Q. Can you give us an approximate number? A. At present I think I have got 40 appeals pending at the present time, and I presume I have appealed prior to these 40, probably 100 or more.

Q. Through your efforts as counsel have there been a number of men restored to the force? A. There have been some; yes, sir.

Q. You mean to say the words were never uttered to you, that it would injure you in your contracting business in the city of New York, and other work you might have in the city of New York, if you pressed this charge against the police; will you swear you were not spoken to in that way? A. A man might have spoken to me that way; I could not swear; I don't think he ever did, though.

Q. Who was it that spoke to you about it? A. I don't think anyone spoke to me; it is possible someone did; no one that I know of.

Q. But you say that someone might possibly speak to you? A. Yes; it is possible.

Q. Why do you say that? A. They might have done it.

Q. Who? A. Ten thousand could have done it; but I will say positively, that no man to my knowledge ever suggested one word of that kind to me, since I was before the grand jury.

Q. No; before you went to the grand jury? A. Oh, before? or before; I mean since I was at the Waldorf.

Q. You say to your knowledge? A. Yes, sir.

Q. They have done it without your knowledge? A. Yes, sir; a man might speak to me.

Q. I think we will give you an opportunity to refresh your memory, Mr. Carpenter, for the present.

By Chairman Lexow:

Q. I want to ask him one or two questions; have you given us the whole of the conversation that occurred between you and Higginbottom, or the first policeman who spoke to you with reference to money? A. Have I given you the whole conversation?

Q. Yes; have you given the whole conversation; do you remember anything else that was said beyond what was put in the question of Mr. Goff? A. I don't remember any conversation now; it happened four or five or six years ago.

Q. Did he say anything about the captain of the precinct? A. I don't think that he did.

Q. Will you swear he did not? A. I won't swear he did not; I don't think he did.

Q. You don't think he did? A. I don't think he did.

Q. How long after that conversation was it that that affidavit was made? A. I don't know.

Q. Was there any conversation with the wardman in which the captain was mentioned? A. That I could not say.

Q. You understood, in your conversation with the wardman, that the money you paid was to go to the captain? A. I could not remember now where it was to go; I could not say; I knew it went in the police department.

Q. The fact that you entered these amounts on the books as payable to the captain, does that refresh your recollection as to whether his name was used in the conversation at all? A. No, sir; that was done the same as the others; it was a question where that money went.

Q. Why didn't you designate the wardman instead of the captain? A. I think wardman is used.

Q. You said wardman, as representing the captain? A. Sometimes, "The old man;" sometimes, "The special officer;" I suppose this went to the police department.

By Senator O'Connor:

Q. What department? A. The police department.

Q. For what? (The witness makes a motion and does not answer.)

By Senator Bradley:

Q. Why did you put down "Captain"? A. It was to designate where the money went.

Q. And you put down "Old man" for the same? A. Yes.

By Chairman Lexow:

Q. You had conversations; you say three or four other different men came to collect these moneys; did you have any conversation with the three or four men after this conversation in reference to money? A. I had very little to say.

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Q. And different officers came at different times and took this money, apparently knowing what they were to get? A. Yes, sir.

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Q. What was the space of time that elapsed between your identifying this officer in the hotel and until you appeared before the grand jury; how long? A. A week or 10 days; it may be longer.

Q. Do you wear glasses? A. Yes, sir.

Q. Had you changed your glasses? A. No; I think not.

Q. You think your sight was as good before the grand jury as in the hotel? A. I think it was pretty nearly the same.

Adjourned until half-past 2 p. m.

William H. Clark, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your official position in this city? A. Counsel for the corporation.

Q. How long have you occupied that position? A. Something over five years.

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A. My recollection is that there was an act which authorized the appointing of a counsel for the police board, but I think that was repealed; I think Mr. Morrison was the counsel to the police board under that act.

Q. In the conduct of the police trials up there, you have designated one of your assistants to aid and counsel the police commissioners? A. I did, up to the beginning of the trials of the captains; I designated at one time Mr. Delaney, and on another occasion I designated Mr. Blandy.

Q. He represented you in the trial of Captain Slevin, for instance? A. Yes; I think he did.

Q. The committee would like to know how it came to pass that you were superseded in your official position as counsel to the police board? A. I was not superseded, in the strict sense of the word; the circumstances that led up to the selection of Mr. Wellman, to prosecute the different captains charged with violations of law and the rules of the department were these: Commissioner Martin called on me at about the time that specifications were being prepared for the trial of Captain Dougherty; I think it was the trial of Captain Doherty, and talked about the selecting of somebody to represent the law department in that proceeding, then to be begun; we discussed different men in the office, and I do not know whether he suggested or whether I suggested that possibly Mr. Wellman, in the district attorney's office, would be a better man to prosecute those cases, because of the success that he had had in the district attorney's office, and because of the fact that the district attorney was supposed to have facilities of getting the sort of evidence that was required in those cases; subsequently, I saw Colonel Fellows, and discussed the matter with him, and he was quite willing that Mr. Wellman should undertake them, if Mr. Wellman was willing, and I saw Mr. Wellman at my office and formally designated him to look after the trial of those cases.

Q. Then he has been designated as assistant corporation counsel for the trial of those cases for the police commissioners?

A. As assistant corporation counsel or as special counsel for that purpose.

Q. Special counsel employed by the department — by you? A. Yes.

Q. Then you are able to state that Mr. Wellman did not prosecute those cases as a district attorney of this county? A. He did not — that is my understanding of it, that he did not.

Q. May I ask you if your designation was in writing? A. My designation was in writing; my recollection of the designation was about like this: "I designate you to conduct the proceeding about to be begun by the police board in the trial of certain captains."

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Q. Has there been since? A. Not so far as I am concerned; the selection of Mr. Osborne, so far as the record goes, is a selection by Mr. Wellman.

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Q. You have a special fund in your office for the purpose of employing counsel in special cases, have you not? A. Yes, sir; and it was out of that fund that I made this payment that I have spoken of.

Q. Has it occurred to you that Mr. Wellman, being a county officer, could legally receive such payment? A. I think he could; my impression of the law is that an assistant district attorney is a county officer; that he is not a city employe in any sense of the word; that there is nothing that would prohibit him from taking city employment; I think there is a very clear line drawn, I imagine there is, between the county officer and a municipal officer.

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Q. And each of those cases in charge have devolved a good deal of labor on your part for the department? A. Yes; and in the preparation of the cases and in the returns and the preparations of the briefs, and the argument of the cases before the General Term and sometimes before the Court of Appeals.

Q. In those cases, where reinstatement, for instance, have been ordered, the expenses have fallen upon the city, the public treasury, have they not? A. Not only the expenses, but the city is compelled to pay the officer the back pay, that is, he is paid from the time he was broken, in the police language, down to the time he was reinstated, although he was not actually on the force during that time.

Q. Have you had any opportunity to observe the effect of that system upon the police department; the effect of the system as to the discipline and efficiency? A. No; I can not say that I have; I have an idea that it does not tend to make the discipline any better — any more effective.

Chairman Lexow.— Do you not think it impairs it? A. I should think it did; I should think the fact that an officer has a right after he has been tried and dismissed to bring proceedings by certiorari to one of our courts here, and from there to the Court of Appeals, particularly if the member was reinstated — well, it would not tend to improve the discipline of the force.

By Senator O'Connor:

Q. Where the court interfered in the cases of the police board, except in the case where there was substantial injustice done, what about that? A. I do not know that I would want to go so far as to say that the police board should have power of summary removal.

By Mr. Goff:

Q. After a trial; after such a trial as the statute now provides, where the accused can have counsel and have a fair and full opportunity to be heard on the merits of the case? A. That could be there easily obtained by a very slight amendment.

Q. Do you not think that would be advisable; do you not think it would have a tendency to improve the discipline of the department, the question not being any criticism of the Supreme Court, but whether or not the right of review that the policemen now have, tends to impair the efficiency and discipline of the force as against the police commissioner? A. I would not want to go as far as that; I will say this, that the statute under which trials are now conducted ought to be amended.

Q. And to what extent? A. I think it ought to be limited; I would not care about going to the extent of saying that a man should have no right to appeal, or a right of review; I imagine that there might be certain contingencies where the right of review should be had, for instance, where there were a divided opinion among the commissioners.

Q. He can not be dismissed then, if there is a division? A. Assuming that there was a minority, three against one; it might provide that where there was a concurrent vote of all the commissioners that that should be final.

By Senator O'Connor:

Q. Are reversals had on mere technical admissions of evidence; on objection to testimony before the commissioners? A. The authorities governing those certiorari proceedings are pretty badly mixed; as I remember the law now, the Court of Appeals have held that if the evidence is such that the finding of a jury would be set aside, then that the courts will review it; if there is not such a preponderance of evidence, that the court would set aside a verdict of a jury, then the finding

should stand, but then the appellate courts determine whether that evidence is sufficient or not.

Q. Do they reverse for the failure to observe some technical rule? A. I do not call to mind such a case now.

By Mr. Goff:

Q. Are you acquainted with the case of *The People*, on the relation of John F. Mitchell against James J. Martin and others? A. I recollect the decision in a general way; the decision of the General Term of the Supreme Court, that was a very extraordinary case.

Mr. Goff.—This line of inquiry is in no sense intended to be a criticism upon the courts; it is in reference to a recommendation of courts. The judges render the law; they pronounce the law as it is, and the only question is whether or not the law should be changed.

Chairman Lexow.—There is not a criticism of the courts. They have to dispense the law as they find it.

Mr. Goff.—Exactly.

Q. I wish to call the attention of the committee to this case that Mr. Clark pronounced as an extraordinary case and I think correctly; if you wish to refresh your memory, Mr. Clark, there is the decision, look at that and give the committee a resume of the case. A. As I recollect the case in a general way, it was this: A police officer was absent without leave for I don't know how long, a week or two weeks beyond the time fixed by the rule of the police board and they dismissed him, it being a rule that absence without leave for five days vacated his place; subsequently certiorari proceedings were brought and the General Term reinstated the man on the ground that it was the duty of the police board to send the police surgeon to examine him.

Q. Further I would suggest from the decision, that the defendant claimed that he was absent through mental aberration? A. Yes, that is so, I think.

Chairman Lexow.—And was that held to be a good excuse?

Mr. Goff.—The General Term held that the commissioner should have taken that into consideration.

Senator O'Connor.—Was the nature of his mental aberration stated?

Mr. Goff.— It was contended on the part of the police board that it was from intoxication.

Senator O'Connor.— In other words he had a prolonged spree?

Mr. Goff.— Yes.

The Chairman.— Was the application first made to the police commissioners for reinstatement?

Mr. Goff.— They generally apply for a writ of certiorari in the first instance from the judgment of the police commissioners.

Senator O'Connor.— In this case had the police commissioners given him an opportunity to be heard.

Mr. Goff.— He was tried and represented by counsel and witnesses examined on his behalf.

The witness.— I recollect the case now, that is the law of the General Term. I do not think the case had been carried up.

By Chairman Lexow:

Q. The writ of certiorari has been applied for in every case of every policemen, captain, sergeant and wardman, who was dismissed from the force, in proceedings taken upon the evidence produced by this committee there not? **A.** I think that is so.

Q. And you represent the city on those proceedings? **A.** I represent the city, and I have suggested that Mr. Wellman, in as much as he tried those cases, had better sustain them.

Q. Have any writs of certiorari been issued for technical reasons, for the admission or rejection of testimony, or because of errors in the admission of testimony by the police commissioners? **A.** I could not answer that question, but I imagine the writs of certiorari brings up the whole proceedings; I have not the writs before me; I have not them here; I can get them all for you.

Chairman Lexow.— You had better have those, Mr. Goff, to show the grounds on which they have been applied for.

By Senator O'Connor:

Q. As a practical lawyer, what do you think of the advisability of constituting the police commissioners as a court for the trial of these things of the officers, having the same power that any court of record has? **A.** No doubt they ought to have that power.

Q. In order to effectually administer the law? A. Yes; in order to preserve order and decorum.

By Chairman Lexow:

Q. And in reference to the issuing of subpoenas? A. I have that power now, I think.

Q. They have no power to commit for contempt? A. No; they have power to issue subpoenas, but they have no power to punish.

By Senator ———:

Q. They have no control over the attorneys appearing before them? A. Nor for the witnesses.

Q. They can act as disorderly as they please.

Louis J. Grant, called as a witness on behalf of the State being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. Practicing at our bar here? A. Yes, sir.

Q. For how many years? A. Twenty.

Q. In the course of your practice, have you had any cases before the police board? A. Yes, sir.

Q. Many? A. Considerable number; yes, sir.

Q. Can you give us an approximate number? A. Do you mean cases that I—

Q. Trials? A. I presume in the last 18 years, I have, probably, defended possibly 500 or over, members of the force, on charges.

Q. On various charges brought against them? A. Yes,

Q. Have you appealed many cases from the decision of the commissioners? A. Yes, sir; I have appealed a considerable number.

Q. Can you give us an approximate number? A. At present I think I have got 40 appeals pending at the present time, I presume I have appealed prior to these 40, probably 100 more.

Q. Through your efforts as counsel have there been a number of men restored to the force? A. There have been some; sir.

Q. By order of the courts? **A.** Yes, sir.

Q. Can you state; of course, we do not expect you to detract from the force of your exceptions and from the success of your appeals before the appellate courts, but can you state to the committee what was the general ground or grounds on which your appeals were made? **A.** I think in nearly every case in which I have been fortunate enough to have been successful on appeal, the reverses have been upon substantial grounds.

Q. From your observation? **A.** I mean by that, for instance, the courts have held, in a great many of the cases, that the evidence did not justify the commissioners in acting as they did.

Q. Can you state, if in your various cases before the board and in your long experience, have other matters entered into the decision of the commissioners than those matters adduced by sworn testimony? **A.** I think I have heard of such things, and, of course, I can only judge as far as being counsel in the cases, that in cases that appeared to me, in a great many instances where dismissal would have been justifiable, dismissals have not taken place and in cases where I thought that the officer clearly proved his defense and that on the evidence he was not guilty, the officers have been dismissed; I have a particular case in mind this minute.

Q. Can you cite the case to us? **A.** It is the case of Roundsman John W. Goodman, who was dismissed from the force — at least he was compelled by the sergeant and the captain to send a resignation, in under duress, and he put the words "under duress" under his signature, and that matter was after the Supreme Court had taken action, in the case, sent back before the commissioners and the captain and the sergeant were examined, and under my cross-examination, they admitted that they had forged — scratched those words out which Roundsman Goodman had written the words "under duress," and the sergeant admitted that under the direction of the captain, he had written over the place scratched, the word "Roundsman" and in spite of that, the commissioners refused to rescind the acceptance of the so-called resignation, and kept the sergeant and the captain on the force and subsequently retired the captain on a pension, and the sergeant is to-day on the force, drawing his pay.

Q. Has that case been concluded? **A.** It has been three times before the Supreme Court; in the last, opinion was writ-

ten by Judge Patterson, a very strong opinion against the board, but on technical grounds the General Term held that until the commissioners should again refuse to act and 'put him back, they would not interfere and the question now is before the General Term, and I am expecting a decision every day.

By Senator O'Connor:

Q. You have not got down to the question of the reason, why they wanted this man dismissed? A. Yes; that was all ventilated before the board at the examination, which was refused by the commissioners until the General Term ordered the commissioners to give Roundsman Goodman a hearing, and in that investigation, the witnesses were examined, including the captain and the sergeant and the original resignation was produced, which showed that it had been ordered and they admitted that they did it.

Q. Did you ever take any proceeding against the men who changed the paper? A. No, sir.

By Mr. Goff:

Q. What is the captain's name? A. Captain Carpenter.

Q. What precinct? A. He was at the time this matter took place acting sergeant in the Oak Street station, and McGan was the sergeant at that station.

Q. Mr. Goodman is in the city? A. Yes, sir.

Mr. Goff.—We propose to introduce Roundsman Goodman to this committee.

Q. Can you state to this committee from your experience as a counsel for a large number of this class of cases before the board of police commissioners, and from your acquaintance with the police department, you say that you have defended about 500, what is the feeling of the force, or their impression, as you may put it, regarding the trial which they may undergo before the police commissioners? A. That is a little hard for me to answer.

Q. As nearly as you can, being a lawyer, you are qualified to give an opinion? A. You mean by that, what they consider their chances are when they come up for trial?

Q. Precisely, or to be more specific, is it the conviction among the members of the force that their cases are decided upon the evidence in each case or from other causes or other occult

forces? A. Some of the members of the force that I have come in contact with imagine that they are not decided always according to the evidence.

Q. Can you state that that is the general prevailing opinion among the men that you have come in contact with? A. Whether it is the general opinion, I know there is a good deal of that opinion among the members of the force.

Q. Has it ever occurred to you, without breaking a professional secret—has it ever occurred that the question was suggested to you, of obtaining influence for your client outside of the evidence in their behalf? A. I have never undertaken anything of the kind.

Q. No; I do not say you did; I am asking you if the members of the force, ever from their fear that they would not get a fair trial, suggest the necessity of obtaining influence in their behalf? A. Such suggestions have been made; yes, sir.

Q. Is it not the prevailing opinion among the members of the force with whom you have come in contact during your experience, that their cases may be decided adversely or favorably, according to the amount of "pull" they may have with the commissioners? A. You mean has that been suggested to me?

Q. Yes; spoken of? A. I have often heard such rumors.

Q. Among the policemen? A. Yes, sir.

Q. You have had many cases before you since the introduction of Commissioners Murray and Kerwin? A. Yes; I have had some since that time.

Q. The intent of my question was directed to a period anterior to that, so you would be placed in a proper position and the present board would be placed in a proper position, the intent of my previous question was that way? A. Yes, sir.

Q. Does that suggestion to you strengthen or modify all your previous answers touching this question of pull or influence? A. As Commissioners Murray and Kerwin, if I remember right, have only been members of the board since this year, since that time most of their time and the time of the board had been taken up with the so-called trials that they had this summer.

Q. I mean anterior to that in my question touching your knowledge derived from information given to you by the police board and from your experience in their trials, can you state that it is the general impression among the policemen who are accused of offences, that they depend more upon the pull which

they have or may get with the police commissioners, than they do upon the strength of the evidence in their behalf? A. I do not know that I can say that, it having come to my information that they depend more upon what they would designate as a pull, or both together; I have always tried, in every case where I have appeared for an officer, to make the defense, the record, so strong that if the board did not act as I thought legally in the matter, that we might have an opportunity to reverse them on appeal; of course, in addition to that I have heard suggestions made to members of the force, that they might make things doubly sure by bringing some influence to bear, whether they ever did it, that to bring such matters to the attention of the commissioners, of course, I don't know.

Q. Of course, you as a lawyer would not be supposed to know?
A. No.

By Chairman Lexow:

Q. I do not understand in making your statement that you have referred to the general prevailing impression in reference to the board as at present constituted? A. No, sir; I have not made my remarks in reference to the present board; they have not applicable to any particular board, but only what I have heard by suggestions made by members of the force.

Q. I understand you to exclude the present board from your remarks? A. The present board I have not had any experience with—the trials of the present board were during the summer when some captains and sergeants were put on trial; I have my opinion of their action in regard to that, of course, but it is only limited; there was something said awhile ago to Mr. Clark about making the decision of the board final.

Q. What do you say about that? A. I would be opposed to that for this reason; I should say from the experience that I have had that I think it would be a very bad idea to do anything of the kind because I think if that was the case, that a commissioner whether he thought it was right or wrong if he saw fit, he could dismiss a man without giving any reason; he could simply say, "I think he is guilty," whether the evidence was conclusive or overwhelming, to show his innocence; a man would have no remedy and I think it would demoralize the force.

Q. Do you not think the present situation demoralizes it more; when the commissioners are enabled to adjudicate upon ques-

tions? A. I do not know that they are unable to do it; it does not follow that they are unable to do it; if they decide a case — suppose the case for the charge is made against an officer and he defends himself and proves conclusively his innocence; if there was no chance to review their actions, the commissioners might say we find him guilty anyway and there would be some good officers in that way prejudiced.

By Senator O'Connor:

Q. Assuming that the commissioners were fair and honest men, desiring to do justice? A. Decide cases on the evidence exclusive of any other consideration; well, I do not think it would do any harm at any time to have the courts review the action of the board.

Q. I suppose all lawyers are opposed to limiting matters of appeal? A. The appeals are virtually limited now by the decision of the Court of Appeals; you can not go to the Court of Appeals, for the General Term have alone the power to determine the facts, and if the General Term, on reviewing the action of the board, determines that the evidence is overwhelming in favor of the officer, or if they affirm the decision there is no appeal to the Court of Appeals.

Q. Can you not go to the Court of Appeals on the question of law? A. Yes; but they are also very well settled in all these cases, that there is no question to be determined; the only question on which an appeal will lie at all, is upon the preponderance of evidence; if the evidence is conclusive that the findings of the board is against the evidence, and after that is determined, that really ends the appeal; the Court of Appeals have held that they would dismiss any appeal that comes up, unless there is some question of law and there is really no question of law that can arise in these cases.

By Senator Bradley:

Q. What do you think about conferring on the police board the same power as the court of records? A. To enable them to punish for contempt? I came — at least they told me I was very much in contempt, and they thought I was — that was this summer, in the trial of Captain Doherty, and, of course, they were not responsible for a good many things they did this summer; I have the highest respect for the board as long as they keep within the law themselves, but when they undertake

to override the right of others, then I do not have much respect for them.

Q. What do you think of having the police board vested with the power to try offenses and to punish, whether or not there should not be some lawyers on the board? A. There are two on the board now.

Q. Who? A. Commissioners Murray and Sheehan; Commissioner Sheehan is a partner of ex-Judge Brown; Brown and Sheehan is the firm name.

By Chairman Lexow:

Q. To permit rights of certiorari only in cases of divided opinion by the commissioners; what do you think of that; otherwise, when there is a concurrent act of all four commissioners, to allow no certiorari issued? A. Personally, from the experience I have had, I think it would be a dangerous thing to so limit the rights of an officer that he would be absolutely shut off from reviewing his case, at least to the General Term; it is simply a matter of one appeal and that ends it, and it might lead to a great deal of abuse if the men were changed every four years, some coming in without very much previous knowledge of the police department, and probably some of them never sitting upon a trial before, not lawyers; of course, if the board were composed of lawyers, or of men accustomed to hear trials, and know something of the rules of evidence, that probably might be a very good idea, but men who are appointed to the board, without any previous knowledge of the rules of evidence, or the hearing of trials, they must be guided a good deal by others, and possibly a new member of the board might take the advice of someone who was on before, and not use his own judgment; I think, one appeal, at least, would be allowed and, I think, another thing that the board ought to have power to compel the attendance of witnesses, because we find a great deal of trouble; if a witness is subpoenaed and does not attend, we can not get them to attend, except by application to the Supreme Court.

Charles F. MacLain, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. A member of our bar for many years? A. The Supreme Court bar.

Q. When I said our bar, I mean the Supreme Court bar; have you had any official relation with the police department of this city? A. I have been police commissioner.

Q. Did you hold any other relation, official or professional? A. What kind?

Q. I understood one time you were counsel to the board? A. I was formerly counsel to the board.

Q. Take the time that you have been commissioner and the time that you have been counsel to the board, what period of years have you been connected with the police department of this city? A. Ten years, I think.

Q. Not consecutively? A. No, sir.

Q. The committee has been inquiring touching the effect upon the department of the action of the courts under the law as it is now, with regard to reinstatement, and the committee have heard some testimony as to the effect produced upon the force as to its discipline and efficiency; what in your opinion is the effect upon the department of the power exercised by the court now under the law, to reinstate them for error of procedure or in law, committed by the commissioners? A. I can not answer that in that shape; if you will divide it into a question of about the law and the exercise of the discretion committed to the courts, I can answer it.

Q. We will take the law at your suggestion, and the law as at present, empowers courts to review the decisions of the commissioners; what, in your opinion, is the effect produced upon the department, its discipline and its efficiency? A. Injurious.

Q. Will you please state to the committee in your own way, or point in your own way out specifically, how, in your opinion, it operates injuriously? A. I do not know that I can answer that very well without the statute book, but before the amendment of the code, before the code was amended so as to stand as it now stands, the action of the board of police, could only be reviewed by what might be called a common law certiorari; that was that errors of form could be reviewed, that is, speaking generally, that anything prejudicial to the police official, could be taken into consideration, but that the police board was the sole judge of the fact; that is now changed, the section, I can not recall it, but it is somewhere toward the latter part of the code, that is now changed so as to give the

court, practically, more power in the reversal of the judgment of the board of police, than the reversal of the findings by juries; that, I think, is very prejudicial, as I remember it, in the revision of the code submitted by the Throop commission, the scope of the common law writ of certiorari was somewhat narrow, but, as I apprehend, parties interested, have had that enlarged so that the civil courts, the general term of any of the courts of record of this city, and any of the courts having equity powers and the Court of Appeals, sit in review of the commissioners as to questions of fact and that, I think, is very injurious; may I add another thing to that; one reason, I think, that that is injurious, is because the judges of the court, especially the judges of the Court of Appeals, have very little appreciation, to my thinking, of the sort of evidence presented before the board of police commissioners.

By Senator O'Connor:

Q. Do you think the evidence might look well printed in a book and the court could see no reason why it should not be believed and the commissioners could see why it should be disregarded?

A. No, I do not think that exactly; if you will get me a copy of the code, I will explain what I mean; as it is now, the judges of the Supreme Court or the Superior Courts or whatever court issues a writ of certiorari and passes upon it, and the Court of Appeals sit in judgment upon the fact and review the decision upon the act, it is not worded exactly in that way, but that is practically it.

Senator O'Connor.—Mr. Clark testified that the General Term has no right to reverse on questions of fact except in certain cases.

Chairman Lexow.—And further more that the Court of Appeals do not reverse upon the questions of fact upon appeals coming before them.

Mr. Goff.—That was Mr. Grant's testimony. A. I do not care to be sprung into a controversy of this kind without being a little differently equipped for it, but there is a very recent case, the case of a man who was dismissed from the department of the police for fighting in the street at the corner of Seventh avenue and One Hundred and Twenty-fifth street, where the General Term upheld the action of the commissioners and where the Court of Appeals set aside the action. Judge Earl, if my

recollection serves me, wrote the opinion and where there was some evidence he sustained the finding of the commissioners; that was on a question of fact.

By Senator O'Connor:

Q. What is your opinion upon the condition wherein the commissioners would be the final judges and no right of appeal accorded to members of the police department? **A.** You do not mean right of appeal, you mean mean right of review?

Q. I include that? **A.** I should also be opposed to that; I think that would be injurious; I think that the office of a certiorari to bring or take the course of action of any inferior tribunal or persons acting as a quasi tribunal formerly vested in the Supreme Court, should be preserved; my motion is, whenever a person is brought up before a tribunal acting as a quasi tribunal, that their action should be capable of investigation by judges of the courts of record.

Q. But you as a superior officer of that department, having before you an officer accused of an offense, being able to judge of his manner and the manner of his witnesses in giving their testimony, being able to form your opinion of the value to be given to that testimony, particularly on the part of the accused officer, do you think it would be beneficial to the force, if you, as a commissioner, either by yourself or acting as part of the board, would be vested with the exercise of final and absolute power to judge of that officer's testimony and the value to be attached to it? **A.** I am quite in favor of that, but I am also in favor of the court having the power of inquiring, to determine whether any testimony applicable to the charges made, was adduced.

Senator O'Connor.—The witness means that the action of the board should be final, when there is given evidence to sustain it.

The Witness.—Yes, sir; the finality of the question of a decision, upon the question of fact, I think is proper, but as to whether there is any truth adduced or not, that is a question of law, which, I think the courts should have the power to look into.

By Mr. Goff:

Q. From your experience and operation of a four-headed commission, for instance, of the police department of this city, as

contrasted with what a one-headed commission might be, what is your opinion, if you have any, upon the benefits or injury to the police force from such a change? A. It might be, if there is to be a one-headed commission; you say "if;" if we had such an administration of the department, as they had in Chicago or as they had in Brooklyn.

Q. You think that would be beneficial? A. Indeed, I do not. I think if we are to have the management of the police of the city of New York committed to one head, and if it got into such a degraded state as it is in Chicago, it would be very injurious.

Q. Well, we are bad enough in New York; we do not need to go to Chicago for headlight, and for conduct, but I ask you if there was, under the law, a capable and efficient commissioner in charge of the police department of this city, would it be, in your opinion, for the benefit or for the evil of the police department, to change from the present system? A. As to head of the department being four commissioners?

Q. Yes. A. I do not believe the force is likely to be improved in the long run, by having a single commissioner.

Q. With regard to the power of appointment, exercised by the commissioners of police, is it not a fact, that in reality each commissioner exercises an almost absolute power of appointment? A. Within certain limits.

Q. Will you please define the limits? A. If a person — there being four commissioners — if a person comes up whose appointment is such as to call for outside criticism before the other commissioners, they are, more or less likely to say they would not vote for such a person.

Q. But as a general thing, has not the appointments been apportioned between the commissioners? A. They have.

Q. And the selection of each commissioner is approved by his brother commissioners, as a matter of course? A. I believe in a certain line of cases; there always have to be three other commissioners besides myself to get a man appointed.

Q. What particular line? A. For example, I never voted for the appointment of a man who was 30 years of age or over, and there were some other things, but it was very well-known that I would not vote for a man 30 years of age, or a person who had ever been convicted of however small a misdemeanor; I would not vote for him; so there had to be three other commissioners to appoint such a person.

Q. Has the same rule held good, with regard to the promotions in the various grades, up to the highest? A. In a measure. I never had an opportunity to vote for the appointment of an inspector, and, I believe, the inspectors and superintendent have been taken out of the category, and also the police surgeons taken out of the category.

Q. What do you mean by that category? A. The division of appointments.

By Senator O'Connor:

Q. Do you mean, as a matter of courtesy, when a commissioner wishes to appoint a member on the force, the others consent, if the person is an unfit one? A. I can not answer that question; each one would have to state that himself; the other three commissioners can be asked as to what they would do.

By Chairman Lexow:

Q. But you refused? A. I am not answering what another man would do if a man were unfit.

Q. What has been your experience, whether under that rule the other commissioners have consented to appointments of men named by one commissioner when they were presented and they believed that the man was unfit? A. That question, I do not think, I will answer.

Q. You do not want to pass judgment upon the other commissioners' acts? A. No.

By Mr. Goff:

Q. Assume a case where there were four captains to be appointed, was it not the rule to apportion to each commissioner the appointment of one captain? A. Yes, sir.

Q. Do you know of any case where the election of that captain has been interfered with by the other commissioners? A. Only the question as to whether it was his turn or not.

Q. Only as to the question as to whether it was his turn? A. Yes, sir.

Q. But not as to the question of whether he was qualified and fit for the position? A. No, sir.

Q. But only on the question of rotation? A. Yes, sir; a person might refrain from voting, but that was all.

Q. That question arose then really between the commissioners as to which had the right to appoint? A. Generally.

By Senator O'Connor:

Q. Did you have any rules in the department where a man was promoted for a length of service, or do they select them arbitrarily, regardless of length of service? A. Promotion is nominally determined within a very narrow limit by the so-called civil service examinations.

By Mr. Goff:

Q. Actually you say that the promotion is nominally determined by the civil service rule? A. The civil service returns a certain number of persons; they make up a list from which list the promotions are to be made, and that is all under the law and regulations, binding upon the commissioners.

Q. But is it not the fact that the police authorities first give promotions to the police officials to enter into a class of competition for that place? A. That is true, but every person applying for it, unless there is something decidedly against them, always, to my knowledge, received permission to make it.

Q. But as matter of fact, it is within the power of the superintendent to withhold that permission? A. No; I think not; the person applies to the board to present himself, and unless there is something very bad in a man's record, is always granted that permission. }

Q. Is the operation of the civil service law improving the police force? A. In my opinion it is not.

Q. Would you point out for the information of this committee wherein it has fallen short of the professions as a law? A. I think the persons returned by the civil service, so far as I have known about them, have not been the most competent persons presented to the board; a large number of persons appointed as patrolmen are sent in by the commissioners, I do not remember the proportion, but a large number are sent before the doctors by the commissioners and then they afterward go before the examiners of the civil service; I have often been of the opinion that some of the persons sent before the doctors to go before the civil service commissioners, who were never returned by the civil service commissioners, were more

capable persons than those who were returned; where the difficulty rests, I can not say, but I should suppose it was very largely in the incompetency of the examiners; whether there is any corrupt side to it or not, I can not say.

Q. Does it devolve upon the commissioners or upon the superintendent of police, the responsibility of enforcing the law in the first place? A. Under the statute, upon the superintendent of police, and every member of the force.

Q. The commissioners are not members of the force? A. No, sir.

Q. Do you remember that resolution that was adopted by the police board, touching policemen in uniform, trying to get evidence in excise cases? A. I was abroad when it was adopted, but I remember the resolution.

Q. You were not a participant in the resolution? A. No, sir.

Q. Is it your opinion, that even though the commissioners adopted a rule or resolution which in any way hampered or impeded the efforts of the superintendent to enforce the law, that it is his duty to disregard that resolution or rule, if it is given in contravention of the law, or done to contravene the law? A. Not wholly to disregard it; I do not think any resolution absolves him from his duty under the oath he takes; on the other hand, that resolution, undoubtedly, might be, and probably was a very great embarrassment.

Q. That is the adoption of the resolution? A. The adoption of that resolution in this, that if an officer was complained of for neglect of duty for not enforcing the law, in a way that might have required a disregarding of that resolution, I doubt if he could have been punished by the board of police for that neglect of duty.

Q. So far as you know, you are familiar with the statute covering the police board, and in excise question, is there any law to-day, prohibiting a police officer going into a saloon in civilian clothes to obtain evidence in violation of the excise law? A. Not that I know of.

Q. Is there anything, so far as you know, except this resolution of this board, that has been adopted, prohibiting policemen from going in in civilians' clothes? A. Only the limitation of the general power of a man going into any other person's premises.

Q. Assuming that, so far as the statute or legislative power?

A. So far as I know, the offense against the excise law, so far

as the statute is concerned, stands upon the same basis as other offenses.

By Senator O'Connor:

Q. Assuming that a policeman had a right to go into a saloon or any place where liquor was sold, ought he to be permitted to induce others to buy or ought he to be sustained in treating some persons, knowing that the giving of that drink would be a violation of the law? A. That is a question of morals and not of law.

Q. That is a question of opinion; the law is based on morals; what I want to get at is the opinion of experienced men, how far the law ought to permit a thing to be done? A. Most detective work is done upon that principle, if principle it can be called; I do not see why one offense can be treated one way and another another.

Q. Do you think that if a detective undertook to capture a burglar, that it would be necessary to induce him to commit a burglary? A. That is very often done; all I intend to say about that is this, that so far as the offense is a statutory offense, you can not have the police exercising one rule in reference to one set of offenses, and another rule in reference to another set of offenses.

Q. What do you say about the policemen doing that, rendering himself amenable to committing the offense himself? A. I do not say anything about that; the constable can not very well enjoy the respectability which is necessary for him to be an efficient constable unless he enforces the laws as they stand, and as long as a police magistrate assists the policeman in that endeavor, you cannot have one set of laws which the policeman enforces, and another set which he does not enforce, and leave the constable with the respectability which is necessary for him to aid him in the discharge of his duty.

By Mr. Goff:

Q. During your connection with the police department, were you aware in any case of an appointment to the police force having been paid for by the applicant? A. So far as to get evidence of it, no.

Q. Were you aware of it to such an extent that it produced a moral impression upon you as to the truth of the statement? A. Do you refer now to any specific statement made to me or to a general impression?

Q. A general impression ? A. There was a very general impression, which I won't say that I did not share, that appointments and promotions were paid for.

Q. Did you ever make a personal attempt so far as you could, to obtain evidence of such payment for either appointment or promotion? A. Repeatedly for appointment.

Q. Were you led to make such investigation and inquiry from rumors touching alleged payment for appointment? A. Rumors and statements.

Q. In each case ? A. Yes, sir.

Q. Did you ever succeed in obtaining legal evidence? A. Never.

Q. Can you say if that is the general impression in the department that men have to pay for appointment on the force? A. That I could not say, I could not say as to whether it was a general impression but a good many persons connected with the department spoke of it to indicate that there was an impression; how general that was I can not say.

By Chairman Lexow:

Q. Did the commissioners, as a body, as a board, ever investigate that question, or seek to get at the bottom fact in reference to the payment of money for appointment? A. Yes, particularly in one or two cases; the names I can not recall just now, but there was specially, one set of cases where a member of the clerical force was discharged from the department, and upon which investigation was conducted principally by the superintendent.

Mr. Goff.—That case we have already have had evidence of, the Jacobs matter.

Q. But no examinations of the facts were had by the board, as a board of police commissioners? A. Yes, sir; this instance it was specially brought up before the board and the board gave the superintendent all the latitude that could be given, and it was in that case that the man was dropped out of the department.

By Mr. Goff:

Q. Did the rumors cease then? A. I do not know that they have ceased yet.

Q. So that so far as the rumors were concerned, or whatever impressions, whether general or special, existed, dropping out one man did not materially interfere with it? A. No.

Q. With regard to the purchase of appointments, captaincies, for instance, was it not talked about in the department that men preferred to the position of captain, had to pay for their promotions in several cases? A. It was.

Q. Was that matter ever brought before the board as a board? A. Not to my remembrance; it was supposed to be an individual matter rather than a matter of the board.

Q. That is an individual matter for each commissioner? A. It seemed to be, if it existed at all.

Q. These rumors touching the purchase of the promoted places or places of promotion, affected the particular commissioner making that particular promotion? A. In a way.

Q. The other members of the board did not feel that it affected them particularly? A. I never felt that it did myself; I can not answer for anyone else.

Q. I speak for yourself; in case of rumors touching the payment of money by men who were made captains for that payment by particular commissioners, as long as the rumors did not affect you personally, you not having the appointing power of that captain, you took no steps whatever? A. I did not; if I had had information sufficient to encourage me in the fact that I would have got it out, I would have taken steps, but I never had any such evidence as that to help me.

Q. But the committee. I am certain, are interested in the question whether or not there has ever been any decided open case; whether there has been any formal action taken by the police commissioners, as a board, touching rumors of appointments having been purchased, or promotions having been purchased? A. I do not recall any at present; I do not recall any save this one, where a formal action of the board and investigation made.

Q. That was by the superintendent? A. Yes, sir; and the board had hearings.

By Senator Bradley:

Q. I inferred from your answer to Mr. Goff, in regard to the civil service, perhaps I did not understand you, but did you mean to say there was a better class of officers appointed under the old law than under the civil service law? A. Decidedly; may I state why partly.

Q. Yes. A. The class of persons who were brought forward under the old law were generally persons who were appointed

because they had attracted attention in the district where they lived and were persons who attracted attention by their parts or energy of some kind, while the persons who are returned by the civil service board, are returned or said to be returned, upon comparison of the answers given in writing; their physique is examined by the surgeon, to be sure, and the physique should be about the same as it was under the old law, but that also seems to have degenerated a little; I think rather poor timber is presented now; the next thing is, the persons are presented on an alleged comparison of this statement made by a man in writing and I think it takes very much more mental capacity and education than has been possessed by the examiner to determine whether they would be a proper person or not; the next thing is, I do not see how fitness for such employment can be determined by a written examination anyway.

Q. You think it would be better to make appointment by the board upon the record of the officer? A. I don't know how you are going to examine that either.

Q. Then how is it done under the old law? A. It was done practically by the individual commissioner; a person was presented and he looked at the man and satisfied himself if he wanted to as to his fitness and desirability and then the same examination is made as is made now, through the police department, as to the man's character and qualifications.

Q. You mean physical examination? A. The examination is now the same as before but the character and the appearance of the men are entirely different and it would seem almost as if the present system allowed very much more opportunity to persons seeking the appointment than the old ones.

By Chairman Lexow:

Q. Why, I do not see why, there could be a larger latitude for the power of purchasing the place? A. I am not familiar enough with the Civil Service Commission to tell you that, but there must be something very curious about the Civil Service Commission, to turn in the persons that they have turned in.

By Senator O'Connor:

Q. And the department is limited to persons turned in by the Civil Service Commission? A. Yes, sir; the civil service certify the result of the competitive examination.

Q. You think it would be a better force, if it did not have a competitive examination at all? A. I do.

Q. So far as the Civil Service Laws is applied to the police service, you think it would be better without? A. I think it would be right to have an examination as to the fitness and the mental equipment, but as to determining it by the mental examination, is very injurious, I think; the Prussian system and the French system is much better.

Mr. Bradley.—There are a great number of men on the Broadway squad that could never pass the civil service examination under the present law, do you think? A. I do not know anything about that.

Q. The mental examination, I mean? A. I have seen very few persons who are grown up who could not pass the civil service examination.

Benjamin B. Van Buren, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You reside in Jersey City? A. Yes, sir.

Q. Were you chief mail clerk in the office at Jersey City? A. I was.

Q. Were you discharged from that position? A. I was.

Q. When? A. February 9, 1893.

Q. How long had you been in the post-office? A. From 12 to 14 years.

Q. Did you ever know anything about the green goods business in that post-office? A. Yes, sir.

Q. When was your attention first called to the green goods business? A. Some eight years ago.

Q. What did you observe at that time? A. My first observation of the green goods business was that the men had hired a number of boxes in our office; from 25 to 30 boxes.

Q. Do you know who those men were? A. I knew none of them; they were all strangers to me; I only knew them by sight; by their coming there to the office.

Q. How long did they hold those boxes? A. I should judge they held the boxes two or three months.

Q. And then was that business discontinued? A. Yes, sir.

Q. When next did you know of any green goods business there? A. In 1893.

Q. Do you know what month? **A.** No; I could not say exactly.

Q. How was your attention first attracted to it? **A.** My attention was first attracted to it from noticing in the paper that a large lot of mail matter had been stopped outside of the New York post-office, and then, this matter was being mailed in Jersey City; I mean this way, that between 400 and 600 pieces of mail matter was brought in by two letter carriers without return requests on the envelope, and it led me to suspect that that was green goods matter of some kind.

Q. Your attention had been attracted to green goods by reading something that had occurred in New York? **A.** Yes, sir.

Q. And then you observed the two letter carriers brought in large parcels of letters without any return stamps on the envelopes? **A.** Yes, sir.

Q. And you suspected that they were green goods? **A.** They were all in one handwriting; yes, sir.

Q. What did you do? **A.** I immediately acquainted the postmaster of my suspicions.

Q. Who was he? **A.** S. B. Dickinson.

Q. Is he the present postmaster? **A.** No, sir.

Q. Tell what happened? **A.** I told Mr. Dickinson that I suspected that this was green goods matter, and I thought the green goods men had come to Jersey City after being frightened out of New York.

Q. What did he say? **A.** He told me to keep a strict watch on it, and if I found any that was opened, or partially opened, to bring it into him, but to let the whole matter be mailed at that time; I afterward found one which was opened the next night, and that was about the same number, 500; and I took them into the postmaster the next morning and he gave them to the assistant postmaster to take them to Inspector James at the New York office.

Q. Do you say you found an open envelope? **A.** Yes, sir.

Q. Did you look in it? **A.** Yes, sir.

Q. What did you find in it? **A.** A regular green goods circular.

Q. With a newspaper clipping? **A.** Yes, sir.

Q. What happened when the matter was taken to New York? **A.** It was brought back to the postmaster, and the postmaster gave me instructions that this mail should be sent out as fast as received.

Q. You mean that Mr. Dickinson gave you those instructions?
A. Yes, sir.

Q. Do you know whether Mr. Dickinson had received instructions from anyone else? A. Yes, sir; he got those instructions from Inspector James.

Q. Do you know whether that matter was discussed by any other post-office authorities than in New York? A. They were, later on.

Q. With whom? A. Mr. Edgerton, of Philadelphia; Jersey City comes under the Philadelphia office.

Q. I understand then that after the talk with Inspector James the 500 or more circulars were taken back to the Jersey City office and went out? A. Yes, sir.

Q. Was there any statement then given, any rule announced to govern the Jersey City post-office in the matter of green goods letters? A. Nothing more than as soon as this matter was received, to dispatch it as soon as possible.

Q. You mean future matter? A. Yes, sir; future matter, anything else that came in.

Q. Then the rule was that no matter what came into the office you were to forward it? A. Yes, sir; properly sealed and stamped.

Q. It was to be forwarded regardless of its character? A. Yes, sir; regardless of its character.

Q. Is this a statement or copy of the regulations that were cited at the time? A. No; that regulation is in regard to the green goods matter that was in the boxes at that time.

Q. Where did you get this? A. I copied that from the postal laws and regulations of 1887; that was under the rule that we worked at that time.

Mr. Moss.—I will read this: "Section 574, postal laws and regulations, 1887: Whenever a postmaster has reason to believe that a street or number, designated place, box, or address in care of another is being used by anyone for conducting, under a fictitious address, correspondence, forbidden circulation in the mails, he should promptly report the fact and the reason for his belief to the First Assistant Postmaster-General, and await his instructions, giving notice at the same time at the place where such letters and packages have been received that, pending instructions from the department, the claimant of such matter must call at the general delivery to have it placed, and to deliver it to the person calling for it, upon establishing his identity."

Q. You say that all that was done concerning those letters was the inquiry made of Inspector James and Mr. Edgerton?

A. I beg your pardon, that relates to the green goods eight years ago when they had our post-office boxes, and under that section we stopped delivering them to the green goods men.

Q. At the time you had this conversation with the postmaster you were chief mail clerk? A. Yes, sir.

Q. Tell us how much of this green goods matter came into the Jersey City post-office after that? A. From 5,000 to 40,000 pieces a day.

Q. Where was it received; in what part of the building? A. After the postmaster gave the order that this matter could not be stopped, the green goods men began to bring it in large quantities.

Q. Did they bring it themselves? A. Yes, sir; in such large bundles that it was impossible to put it through the general delivery window, and the clerk at the window told them to take it around to the back door where the mail in large quantities was received; where the Lorillards and the Dixon Crucible Company, and companies like that took their mail, and they began to bring their mail in at the back door, and as many as 10 and 12 men would come in pairs.

Q. Was there any effort made to apprehend the men who brought in those goods? A. No, sir.

Q. How long did that continue? A. About six or seven weeks.

Q. Did you observe how the stamps were obtained for sending out that matter? A. I have seen them buy stamps at the post-office.

Q. In what quantity? A. I could not say the quantity only from the size of the bundles that I have seen them carry out.

Q. Could you, from your experience in the post-office, tell approximately how much? A. I should judge it was quite some.

Q. Approximately how many stamps were taken at a time? A. I know that many (indicating) would be 50,000 stamps in sets.

Q. Have you seen as many as 50,000 stamps? A. No; I could say that, for they had them rolled up; I should judge they ought \$500 or \$600 at a time.

Q. How often did they do that? A. I have seen them different times myself; I don't know how often they came in for stamps; they were sold by the assistant postmaster.

By Chairman Lexow:

Q. Did they buy as much as \$500 or \$600 worth a day? A. They must have; yes, sir.

By Mr. Moss:

Q. You say this custom continued for about six weeks; who brought it to an end, if you know; how did it end? A. It ended very abruptly; it stopped; it wound itself up; Anthony Comstock came to Jersey City, and in some way they must have known that he was there, because that ended it.

Q. Was an investigation had in the post-office? A. No; no investigation.

Q. Was there an inquiry made in the post-office? A. The inspectors came there, but I never was present at any inquiry.

Q. Did you see Mr. Comstock there? A. Yes, sir.

Q. Did he speak to you? A. Yes, sir.

Q. Were any persons employed in that post-office discharged? A. None but myself.

Q. Only yourself? A. Only myself.

Q. Not the postmaster? A. No, sir.

Q. Nor the stamp clerk? A. No, sir.

Q. In the handling of such large quantity of matter was the working force in the office disorganized in any way? A. Yes, sir; very much; the mail clerk was very much dissatisfied; they knew it was illegal matter, and they did not think it was right that they should give too much time.

Q. How late did they stay nights? A. Their tour of duty should have been done at 10 o'clock, and they had to work as late as 1 or 2 in the morning.

Q. Did any of them complain to Mr. Comstock? A. Two of them; that is how Mr. Comstock was notified in regard to this matter.

Q. Did you ever have an opportunity to be heard in your own defense? A. No, sir.

Q. Or to state that you had received your instructions from Mr. Dickinson, the postmaster? A. No, sir.

Q. Have you a recommendation for employment signed by Mr. Dickinson? A. I have.

Mr. Moss.—I have it here and I will read it.—

"Jersey City, December 11, 1893.

"To whom it may concern:

"Mr. Van Buren having been in the service in the post-office during a large part of my term, is well known to be an honest industrious and capable gentleman, and I take great pleasure in recommending him to anyone who may be in need of efficient help, as a young man who will be a most valuable employe to any firm or corporation that may be able to secure his services."

"S. D. Dickinson, Post-master."

By the Chairman:

Q. That was after your dismissal? A. Yes, sir.

By Mr. Moss:

Q. Did you make an application to the authorities at Washington for leave to present your defense? A. I did.

Q. Have you ever received such leave, or has your application been denied? A. It has been denied and the department refuses to reopen the case.

Q. I hold in my hand your application for a hearing; will you state what indorsements there are upon the application? A. It is indorsed by Benjamin Edg.

Q. Who is he? A. A very prominent citizen of Jersey City; one of high standing.

Q. Is Senator McPherson's name—Mr. Reckord's name is there.

Q. P. F. Wanser? A. He is the mayor and Benjamin Murphy is the chief of police.

Mr. Moss.— These documents represent the gentleman as being a man of good character.

Q. Did you see William H. Applegate upon the stand the other day when he testified? A. I did; yes, sir.

Q. Did you recognize him? A. His face was familiar to me, but that is all I could say.

Q. You can not say you saw him in Jersey City or in New York? A. No, sir.

Q. All you say is that his face was familiar? A. Yes, sir; and that I saw him before somewhere.

By Chairman Lexow:

Q. Did you recognize him as one of the men who came to the post-office in Jersey City and bought stamps, or bought green goods matter? A. No, sir; I would not say that, because the men who brought the envelopes there were full-sized, good-sized men, while Mr. Applegate is not.

By Mr. Moss:

Q. Do you remember Mr. Morris, a detective employed in the railroad company? A. I don't know him at all.

David Kronman, called as a witness, being duly sworn, testified as follows.

Examined through an interpreter:

By Mr. Moss:

Q. Is your name David Kronman? A. Yes, sir.

Q. Do you keep a cafe at No. 179 Houston street? A. No, sir.

Q. Where did you keep it? A. No. 130 Houston.

Q. Do you know Wardman Levy? A. Yes, sir.

Mr. Moss.—Is Wardman Levy in court-room?

(No response.)

Q. Did you ever see Wardman Levy in any cafe that you kept? A. Yes, sir.

Q. Where? A. No. 179 Houston street.

Q. When was that? A. I think in December last year.

Q. What did he say and do when he came into that cafe? A. He said I want to have something to drink, liquor or wine.

Q. Did you have a conversation with a neighbor, Shockinger, about that time? A. Yes, sir.

Q. What about it? A. the stool pigeon; he used to bother me and I went and inquired of Shockinger why they did not bother him.

Q. What did Shockinger tell you? A. He said that if I pay as he pays then they would not bother me either.

Q. In pursuance of that conversation did you meet Wardman Levy? A. No; I did not; Shockinger took me to Mr. Arnstein.

Q. Is Mr. Arnstein in this court-room? A. Yes; there he is.

Q. What do you mean by stool pigeon? A. A man comes in and asks for a drink, and I says I have not got any, and he says you must give it to me because I know you have got it; they always bothered me, and I could not do any business, for when a customer came in he always went away when these men came.

Q. Do you know who sent the stool pigeon there? A. Yes, sir; Wardman Levy.

Q. When you went to Mr. Arnstein's place, who did you meet there? A. Mr. Arnstein.

Q. Didn't you see Levy in Arnstein's place? A. No, sir.

Q. Did you have any conversation with Arnstein about paying money to Mr. Levy? A. Yes, sir.

Q. What was it? A. I should come the next day and he would give me an answer, that he had first to speak to him.

Q. Did you go the next day? A. Yes, sir.

Q. What did Arnstein say then? A. It is all right.

Q. Was any sum of money mentioned? A. Yes, sir.

Q. How much? A. Twenty-five dollars.

Q. How often? A. Every month.

Q. Did you see Wardman Levy then? A. I didn't have the money then; I told him to come Saturday night.

Q. Did you see him on Saturday night? A. No.

Q. When did you see Levy about the money? A. I lived up-town, and I didn't have the money, and I told my wife that if Arnstein and Levy called they should leave the address and I would bring the money to the house.

Q. Did you take the money? A. No, sir; they were there and my wife told them that, and in the morning I had the money, because I was working as a tailor and I didn't have the money at that time.

Q. When did you give money to Levy the first time? A. I slept at the back and my wife told me that Arnstein and Levy came, and then my wife said leave the address, and they said all right, "I will call again Monday night."

Q. When did you first pay money to Levy? A. Sunday morning.

Q. Where did you give it to him? A. In Arnstein's place.

Q. How much did you give him? A. Twenty-five dollars.

Q. How many times did you give Levy the \$25? A. Four times.

Q. What was said; what was the money for? A. In case there was any trouble they will understand about it as the money goes into some society.

Q. That is what Levy said? A. Yes, sir.

Q. Was Levy a policeman? A. A ward detective.

Q. Did you have an excise license at the cafe? A. No, sir.

Q. Was it understood that you were to sell liquor if you wanted to? A. That is what I paid protection for.

Q. Have you any girls? A. Two.

Q. Did you have a sofa in the back room? A. No.

Mr. Moss.—Will the chairman instruct this witness, please, that he has nothing to fear. I am told he is in fear; that he has exhibited it, and spoken of it.

Chairman Lexow.—About what?

Mr. Moss.—For fear that he shall come to grief.

Chairman Lexow.—Mr. Interpreter, tell the witness that if anything happens to him to report at once to Mr. Goff, and that every effort will be made to protect him, and we will be able to protect him.

Q. You had some difficulty in making the fourth or fifth payment, did you not? A. No, I never had any trouble about paying him.

Q. Did not Captain Cortwright come into your place? A. That was the first time.

Q. Why did he come to your place, if you know? A. He was very strict about that kind of business.

Q. Don't you remember that you were not able to make the fourth payment; that there was a delay in it, and that Mr. Arnstein told you the captain would not have any fooling? A. That was not the fourth payment; that was the first time.

Q. You did fail to make a payment, and Mr. Arnstein told you that the captain would not stand any fooling, is that not right? A. He did not speak of the captain; he spoke of Levy.

Q. When Captain Cortwright came to your place, what did you say? A. He drove out the guests and the girls, and he assaulted me; and then I told him to look around and see that I had no liquors or anything, and he didn' let me do anything; he pulled the curtains down and struck me.

Q. Did he have any officers with him? A. Six or seven.

Q. Did he have a warrant? A. I don't know.

Q. Did he show you any warrant? A. No.

Q. In what condition was your wife at that time? A. She was heavy in the family way.

Q. Was she assaulted too? A. He pushed her once.

Q. What did you say to Captain Cortwright about that assault? A. What could I say; I was frightened, and all the guests were turned out and he went away, and said the next

time I come around I will break everything if you are not gone from here.

Q. Did he break anything at that time? A. He pushed two cider bottles off.

Chairman Lexow.—What is the object of this. You are proving that Captain Cortwright did not do it.

Mr. Moss.—That is not the fact. I have this man's statement here.

Q. Did Captain Cortwright arrest you? A. No, sir; never.

Q. He struck you and drove your guests out, and pushed your wife, and then went out? A. Yes, sir; he didn't find anything to arrest me; they only drank coffee.

Q. After the captain had gone, did you pay Levy any money again? A. I went right away to Arnstein when the captain went away, and I said, "Mr. Arnstein, what is the trouble; the captain is so strict that he turned everything upside down;" and he said, "You should pay Levy, and then you would not have had that trouble."

Chairman Lexow.—Was this before the first payment?

Mr. Moss.—This was before the first payment. It had been demanded but not paid, and the captain came in and made the assault in person, and Mr. Arnstein told him he must pay and he would not have this trouble, and now he is coming to what happened.

Q. After the captain had gone did you pay money to Levy? A. I did; yes, sir.

Q. When did you pay to Levy? A. The next morning, Sunday morning; that was Saturday night, and Sunday morning I paid the money.

Q. How many times after that did you pay Levy? A. Four times; the fourth time he returned it to me.

Q. Then you continued to run your cafe, sell liquor and have your girls there, after the captain assaulted you, did you? A. Yes, sir.

Q. Did the captain ever come into your place and assault you again? A. Never.

Q. Did he ever arrest you? A. No.

Q. Do you remember a complaint being made against you by somebody? A. Yes, sir.

Q. Did you see Captain Cortwright about the complaint? A. Yes, sir; the captain had me called.

Q. Where did you see the captain? A. In his office at the station-house.

Q. What did the captain say to you? A. He showed me the complaint that went to headquarters to Superintendent Byrnes, and said that I must go away from this place.

Q. What else did he say? A. I said, "I have got a family and I am poor and that he should try to help me;" and he gave me eight days.

Q. Was there any money talked about? A. Nothing.

Q. Did not the captain ask you for \$50? A. No, sir.

Q. The paper that he showed you, had no signature on it? A. No.

Q. But it came to the captain from Superintendent Byrnes? A. That is what he told me.

Q. Did not Levy talk to you about money just then? A. Yes, sir.

Q. What did Levy say? A. I told him that he would take the protection money every month, and you said you would help me, and after that he returned me the last protection money.

Q. Did not Levy tell you that he could fix it for \$100? A. I told him that I was poor and that he should try and help me, that I had only to be a few days and then go out of the business.

Q. Did you not offer to pay \$50? A. Yes, sir.

Q. And did he not tell you that as the case was in the superintendent's hands that it would take \$100, and that he could not take \$50? A. No, sir; the complaint is not to the captain; the complaint is to the superintendent, and that didn't come so easy to fix.

Q. How much did he say it would cost to fix it? A. One hundred dollars.

Q. Did he say he could not fix the big people for \$50? A. Yes, sir; I have got to spend it on the big people, and I can not fix it for \$50.

Q. Did you remind him that you had just given him \$25? A. Yes, sir; and then he returned it to me.

Q. What did he say to you about that; did he say he had given you protection for selling liquor? A. He told me that when I demanded all my money back.

Q. Didn't you make an effort to raise the money to pay? A. Yes, sir; I did get it.

Q. How much money did you borrow? A. Fifty dollars or \$75.

Q. You borrowed that from the Union Loan Company? A. Yes, sir.

Q. And gave a chattel mortgage? A. Yes, sir.

Mr. Moss.—That chattel mortgage will be produced.

Q. What did you borrow that money from the Union Loan Company for? A. To give him \$50.

Q. Did you then go to see the captain? A. No.

Q. Did you go to the station-house? A. No.

Q. Did you see Levy with the \$50? A. Yes, sir; I watched for him outside the station-house.

Q. When a captain gave you eight days' notice he told you that he could not let you stay there; what else did he say to you; where did he say you could go? A. He called again by Detective Wilson at the end of eight days, and that I would have to leave; that he could not help me.

Q. Did he not tell you that you could look for another store in his precinct? A. Levy told me that.

Q. Said to you that you could get a store somewhere else in the precinct; is that what you said? A. Yes, sir; not the captain.

Q. What did you do with the \$50? A. I gave it to Levy.

Q. Where did you give it to him? A. In front of the station-house on the street.

Q. Did you not lay that \$50 down on a table in the station-house? A. No, sir.

Q. In what denominations were the bills? A. Five \$10 bills.

Q. Did you not lay those five \$10 bills down on a table somewhere, and was there not other money on the table when you laid it down? A. No.

Q. Did you not offer the \$50 to Captain Cortwright, and did he not tell you to put it down on the table? A. Itold the captain, and Levy was there, that I would spend something and he should help me; and he raised his hand and didn't want to see it.

Q. Is that the time you paid the \$50 to Levy? A. Yes, sir.

Q. How close was the captain to you when you paid the \$50 to Levy? A. The captain did not see me.

Q. How close was he? A. The captain was in the office and I was in the street.

Q. Were you right in front of the station-house when you paid the \$50 to Levy? A. One house further down.

Q. Did you open a place in the same precinct? A. Yes, sir.

Q. Where did you open it? A. Corner of Clinton and Stanton streets.

Q. Did you sell liquors there for some time? A. I didn't sell because I could not get any more protection.

Q. Did you have girls there? A. Yes, sir.

Q. Were you arrested from the new place? A. No.

Q. Have you not said, in the presence of Mr. Jacobs and myself and Mr. Webb, that you paid \$50 to Wardman Levy in the station-house, in the presence of Mr. Cartwright? A. I wanted to give it and the captain said "get out, get out."

Q. Did you not testify that you paid the \$50 down upon the table in the station-house in front of the captain? A. I put it down, but he only waved his hand and said get out, get out.

Q. Did you put it down on the table? A. I put it down and Mr. Levy saw it, and he winked to me and said take it off.

Q. Do you mean to say now that you took it off? A. I took it off myself.

Q. Why did you not say that to me in the presence of Messrs. Jacobs and Webb when your statement was made? A. I told it to you that way, but the interpreter put it different; he interpreted different every word.

Q. Did you not offer \$50 to the man who served you with a subpoena to take it back?

Chairman Lexow.—Mr. Interpreter, instruct the witness before he answers counsel, that if he states anything on the stand that is false or untrue, that he is liable to imprisonment just as much as if he were testifying before a court and jury.

A. No, sir; I told him that I was a poor man; that I would sooner lose \$50 than to go before the Lexow committee just now, because I will have a lot of trouble with the police.

Q. Are you afraid that you will have trouble with the police? A. I will have to sell my business, as I can not run it.

Q. Are you in fear now in giving your testimony? A. Yes, because I have always had trouble with them since you came around.

Q. What do you mean by "you"? A. He means me (that is the interpreter); when I come into his place the people think I am from the Lexow committee, and they bother him so.

Q. Is not your fear of the police a reason why you have not testified to-day that you put down \$50, and left it there on the table in the station-house; is not that the reason? A. No, sir; I will not say anything here that is not true.

Q. Has Captain Siebert sent for you lately? A. That was when I was in another precinct.

Q. How long ago was that? A. Six weeks ago.

Q. Did you see Captain Siebert? A. Yes, sir.

Q. Did you talk about the Lexow committee? A. No, sir.

Q. What did you talk about? A. He said I would have to get out of his precinct; he said he heard that I had girls and a parlor in the back, and he did not want me there.

Q. Were you violating the law in Captain Siebert's precinct? A. No, sir; I told him that I am not doing anything and invited him to investigate.

Q. Is Captain Cortwright in the room? A. Yes, sir.

Q. Do you see him? A. Yes, sir.

Q. Is that the same man you have testified about? A. Yes, sir.

Q. You have seen him through the day, have you not? A. Yes, sir.

Q. Are you afraid of Captain Cortwright? A. He is in my precinct.

Q. Are you afraid of Captain Cortwright? A. No.

Q. Are you not afraid to say in front of Captain Cortwright that you paid \$50; is that not the reason? A. No.

By Chairman Lexow:

Q. Did you speak when Captain Cortwright and Wardman Levy were there, about the \$25 a month that you had been paying for protection up to that time? A. I complained when he told me to move, that he did not understand me.

Q. How do you know he did not understand you? A. Because I know he only waved his hand and told me to get out.

Q. When the captain waved this \$50 away that you proposed to pay at the time of Superintendent Byrnes' order, did you say anything about the \$25 that you had been paying to Wardman Levy up to that time? A. The captain did not advise me about the \$50; I said I paid Levy every month for protection, and now I have got to move.

Q. Did you say at the time how much protection you had paid? A. No; he didn't let me talk; he waved me away.

Q. When you said you paid protection to Levy every month, did you say that direct to the captain? A. Yes, sir.

Q. Did the captain put to you any questions in reference to the amount of protection paid, or the manner in which you had paid it? A. No; all he said was get out, get out.

By Mr. Moss:

Q. Do you know who sent the complaint to Superintendent Byrnes? A. I think my landlady, because she wanted to open a place herself.

Q. Did not the same woman send the complaint to the captain before that? A. There was a complaint before; I think so.

Q. Did not the captain call you to the station and inquire about your first complaint? A. No; the detective told me that.

Q. Have you not said before the same person I mentioned a moment ago, that you had a conversation with the captain himself about the first complaint? A. I could not speak to the captain, because I did not understand English.

Q. Did you not have it interpreted for you? A. No.

Q. Did not Captain Cortwright tell you there himself, or through an interpreter, that you must be careful when you got the first complaint? A. No; Mr. Levy told me that.

Q. Did not the captain tell you at the time of the second complaint that he has got to take notice of that complaint because it came from headquarters? A. Yes, sir; he told me to move because it came from headquarters.

Q. The captain told you to move because the second complaint came from headquarters? A. Yes, sir.

Q. Did he not tell you that the first complaint was all right because it was not out of the precinct; but the second complaint was different because it came from headquarters? A. No; he didn't say that; Levy said that.

Q. Have you not said to Mr. Jacobs and the rest of us that the captain said that? A. He said this is the second complaint and I can't help you because it is from headquarters and you must move.

By Chairman Lexow:

Q. What did Wardman Levy say when you said in the presence of the captain, that you had been paying protection to him? A. He didn't understand what I told him.

Q. Who did not? A. The captain, Cortwright.

Q. How do you know? A. Because I don't speak good.

Q. Is that the only reason? A. I don't know; I told him that Levy took the money off of me for protection, and now I have got to move.

Q. What did Levy say when you made that statement to the captain — was not Levy present when you made that statement to the captain? A. No.

By Mr. Moss:

Q. What did you say to the captain for if you thought he could not understand it? A. I wanted to get my money back so that I would not move; that he should do something with Levy.

Q. Did you not think he understood it when you told him? A. He didn't let me speak; he only motioned for me to get out.

Q. How long was the conversation with Captain Cortwright? A. About 15 minutes.

Q. What else did you say to Captain Cortwright — state as nearly as you can recollect the words that you used and the manner in which you made that statement to the captain — say it in English? A. I said, "Captain, please, I have got eight children and I must get out and I lose the whole sum of money, and there is but little time that I can make my money back, and I must get out; I paid Levy every month \$25;" and he said, "It is the second complaint and you must get out; get out."

Q. And you complained that the captain could not understand that statement of yours? A. He didn't help me.

Q. And your reason for stating that he did not understand it, was because he did not give you any substantial assistance, is that so? A. That is the reason; I begged of him that he should help me; I told him that because I had eight children, and my place was all right.

Morris Jacobs, called as a witness on behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Did you hear the statement made by the previous witness in the matter that has been testified by him, and did you translate that statement? A. I translated some of it, and some of it he said in English.

Q. The statement written down by Mr. Webb? A. Yes, sir.

Q. At the dictation of yourself and myself? A. Yes, sir; at my dictation and your dictation.

Q. Did Kronman say to us at that time that \$50 had been paid in the station-house by himself and laid down upon a table in front of Captain Cortwright? A. Yes, sir; and he even went further and said that Captain Cortwright was putting some money in some envelopes, and he thought he was going to pay the men with.

Q. Did he state that there was any conversation with Captain Cortwright concerning his moving or about his staying or going? A. He did.

Q. What was the conversation, the substance of it? A. That he could not fix it for \$50; that it would cost \$100, because these big people below wanted more money.

Q. And that statement was put in the mouth of Captain Cortwright by this witness? A. Yes, sir; by the witness.

Q. Was it not also stated by the witness that the first complaint, which had gone directly to the captain, could be fixed because it was in the precinct, and had been so fixed, but as the second complaint had come from headquarters Mr. Kronman would have to move? A. Yes; that is what he told him; and he said he could move right in the same precinct as long as he moved in another store.

By Chairman Lexow:

Q. Is there any doubt about your having properly understood what he said and translated what he said correctly? A. No; because Mr. Kronman when he was in the tailor business worked for me, and he understood English and German both, and we understand each other; I simply interpreted one or two words where he could not make himself understood and all the rest he said in English; and Mr. Webb and Mr. Moss understood him as well as I do.

Mr. Moss.—My recollection is just as Mr. Jacobs has stated. The witness certainly said that the money was paid to Captain Cortwright, and that Captain Cortwright's first raid was made for the purpose of influencing him to pay the assessment where he was dilatory about it.

The Witness.—He reads the English newspapers and converses in English, and one or two words that he could not make him understand, I interpreted.

The Chairman Lexow.—Is there any further testimony to-day?

Mr. Moss.—That is all.

Adjourned to Tuesday, October 2d at 10:30 a. m.

Proceedings of the fortieth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the former General Sessions building, in the city of New York, Tuesday, October 2, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Daniel Bradley and Cuthbert W. Pound; John W. Goff, Frank Moss and W. Travers Jerome, for the committee.

Chairman Lexow.—Are you ready to proceed, Mr. Goff?

Mr. Goff.—Yes, sir. Mr. Chairman and Gentlemen, counsel proposed to-day to introduce some testimony before you, which we deem of the greatest importance to this investigation, as well as to the citizens of the city of New York. It is on a line of testimony that is the result of a great deal of labor — months and months of labor and examination; and it comes right to the gist of the relation between the police department and the citizens of New York. This testimony will cover three points, three main principles, in fact. The first, the attitude of policemen to the citizens as disturbers and breakers of the peace, and as danger not only to the liberty but to the safety of the citizens. We propose to show the number of accusations and trials had before the police commissioners, of the assaults committed by police officials in this city upon citizens, and the number of convictions for assaults committed upon citizens. In three years there have been but four convictions — four dismissals — there have been convictions for smaller offenses; but there have been only four dismissals from the police department of this city for the perpetration of assaults; and the most remarkable thing is that notwithstanding the numerous cases reported in the daily papers day after day, of citizens having been assaulted, but one of those dismissals was for an assault upon citizens, and the other three dismissals for assault upon police officials themselves. This brings up the second point that we will ask you to consider and listen to; and it behooves you, gentlemen of this Senate committee, and also the people of this State, to give it full weight and significance; and that is, we will show by evidence here, and the records of the police department, embracing a number of years back, that the police force of this city is to all intents and purposes and in practice, exempted from and above the operation of the law of the land; that the members of the police force of this city commit offenses of the grade of felony and misdemeanor, and that they have

gone for years unpunished and unwhipped for those offenses, which, if committed by citizens, would have resulted in fact in a great degree in this city in sentence to State's prison, and to the penitentiary. In other words, the operation of the law of this State so far as it applies to the citizens of New York, and to all persons as it should, stops short of the police force in effect; that a member of the police force may commit an offense, which is of the grade of felony, and all the punishment he may ever expect to undergo for that felony, and all the trial he may expect to undergo for that felony is a charge before the police commissioners, with the chances of dismissal and reprimand, or a small fine. For instance, we will show you in numerous cases where felonious assaults have been committed upon citizens by policemen, which if committed by a civilian would result possibly in four or five years' sentence in Sing Sing, and all the policemen need apprehend is, a charge against him, with a possible conviction finding him guilty of assault, and a fine, for instance, of ten days' pay, which goes to show that a police officer of this city can brain a citizen with a club, and he may reasonably expect that all the penalty he will have to pay for that is about the sum of \$30, while an ordinary citizen, if he commits that offense, is almost certain to go to State's prison. The other point that we wish to call your attention to, is that in the trials of police officers, before the police board in this city, the perjury committed in those trials on the part of the police officials and other witnesses is simply unmeasurable and unparalleled. As we will show you by the expression of a police commissioner, it is, that the air of the trial room at police headquarters is blue with perjury. These three points we deem necessary to establish; and not at all less important to any testimony that has been adduced before your honors, or any testimony that may hereafter be adduced, because it goes home to the very question of the rights, the liberties, and the safety of the citizens of New York. I will state here, Mr. Chairman and gentlemen, that inasmuch as most of this testimony must necessarily be of this record, that we shall ask not only your patience, but your attention to it, even though it may be testimony appearing from the records, it is, nevertheless, in my opinion, of the gravest importance to this committee in their investigation.

Chairman Lexow.—I think we all agree with you in that, Mr. Goff, that that touches the citizens more closely than any other phase of this investigation.

Frank Moss, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—I shall examine Mr. Moss, gentlemen, first, as to his experience on matters of fact brought to his knowledge and attention before the police board, and apart from his knowledge acquired through his connection with this committee. These are specific cases in reference to the trials of certain police captains, which, in our opinion, are very important to spread upon the record.

Q. Mr. Moss, you are one of the counsel' associated in the service of this committee? A. Yes, sir.

Q. And have been from the start? A. From the start of this branch of the investigation.

Q. Before you were associated as such counsel for this committee, did you, as an attorney-at-law, occupy a position with any society or body of citizens in this city? A. For some time I have been a member of the executive committee of the Society for the Prevention of Crime, and have acted during that time as counsel for that society, and occupied the position of counsel to that society prior to my entering into this board of directors; I was also counsel for a society called the Owners and Business Men's Association, which existed in West Twenty-seventh street in 1885, and for about two years.

Q. In 1885? A. In 1885.

Q. Now, as such counsel for the Business Men's Association, what was the object of that association? A. The association was an organization of property owners and residents of that neighborhood, whose object was to purify their own street, to get houses of ill-fame out of that street.

Q. Did the society so organized take any definite steps toward attaining the object of that society? A. Yes, sir; demands were made upon the captains of the precinct; it was the Nineteenth precinct, and Alexander S. Williams was the captain; requests and demands were made upon him that he attend to his duty of ridding that section of the city of houses of ill-fame and other annoyances, and those demands proving useless, the society

had recourse to various means; some detectives were employed, evidence was got, newspapers were interested, the situation of things was shown to the public, and in such ways as could be devised, efforts were made to get rid of the nuisance that existed there.

Q. Did you give us any specific instances of places of disorder, of bad repute, which were called to the notice and attention of the police officials? A. In West Twenty-seventh street, between Sixth and Seventh avenues, there were at least 10 houses which were reputed as houses of ill-fame; some of them I might mention; there was Madame Engle's, 119 West Twenty-seventh street; there was Madame Brooks', at 123 West Twenty-seventh street; there was No. 120 West Twenty-seventh street; 138 West Twenty-seventh street; Madame St. Clair's there was also the Coe flats, so-called, which occupied the site of the old Cremoine, I think it was a concert hall that was burned.

Q. The Buckingham? A. Oh, yes, the Buckingham; and were occupied by very many dissolute people; there were several gangs of tough people in the street, gangs of criminals and convicts; the street was full of disorderly people of both sexes; it was dangerous to life at times to go through the street; we had weekly meetings in the store of Mr. Murray, a member of the society—public meetings at which the facts which came to our notice were discussed and presented to the people, which were freely attended by the representatives of the newspapers, and in which we were frequently annoyed by the interruption of outsiders, persons interested in breaking up our movement; we never had any police protection; I know on one occasion that an officer of the Nineteenth precinct came to me, a man whose name I will not now mention, and said to me that he would advise me to get out of that movement; that the captain would come around pretty soon and put us out; I told him that I understood him very well; that he came from the captain to give me that message; and my response to him would be that he could not bring his club in any too thick; that when his club struck in our premises, it would hit a can of dynamite which would spread him into four or five counties adjacent to New York; when we got evidence sufficient to obtain warrants we started to get them outside of the Nineteenth precinct; that is, we did not get the services of the police of that precinct, but

had raids made by the court squad at Fifty-seventh street; it took, I think, something—

Q. That was the famous Tenderloin precinct? A. That was the Tenderloin; it took some eight or 10 months to make an impression on the bad people of the street, and in about a year it was reasonably clean, but there was no effort before, that we could see, nothing that I could observe by the local police, nothing except occasional abuse, and such threats as I have testified to.

Q. Well, do you remember a house kept by Emil Platell? A. The house was not at that time kept by Platell; the house had been kept by him 102 and 104 West Twenty-seventh street; it was known by reputation as the "Captain's House."

Q. Where is Platell now, do you know? A. Platell, according to my information, is in Italy.

Q. Did the proceedings of this committee result in any charges being preferred against the captain of that precinct? A. Yes, sir; the advice came to the members of the society that the real cause of the non-enforcement of the law was the criminal negligence of the captains; and steps were taken to investigate the administration of the police department throughout the precinct: that led us naturally to Thirty-first and Thirty-second street between Sixth and Seventh avenues, which were filled with rows of houses of ill-fame, and I knew that to be such, because I frequently passed and repassed them, and I went frequently into that district and was solicited there frequently; we consulted with Dr. Crosby, who was then the president of the Society for the Prevention of Crime, and in connection with him, and by his advice, a complaint was laid before the mayor of the city of New York, Mayor Hewitt; we had a conversation with him, stated what we believed to be the cause of the bad position of things there, and asked what we might expect in support from him, if we should undertake to bring Captain Williams to trial; Mayor Hewitt told us—I should say, before referring to the mayor's remarks, that I stated to Mayor Hewitt that we could not expect to get more than two votes in our favor in the board; if we proved our case we would get two votes, and no more; I gave that, as an expression of my opinion; I told him we might get the vote of Commissioner Voorhees, and we thought we might get the vote of Commissioner Porter, provided our evidence was good; but we did not expect, in any event, to get the vote of Commissioner French or Commis-

sioner McClave, and that would leave us if we succeeded with a tie vote which would result in nothing; the mayor told us to go ahead notwithstanding, and if the evidence adduced brought out a tie vote he would take it and examine it, and call the commissioners to task afterward for it; the mayor transmitted the charge, which we gave him, to the board of police with a letter, a letter which was published in the newspapers at the time, and a copy of which I have; his letter to the commissioners was short, and is as follows:

"I inclose herewith a copy of the complaint of T. Murray, Jules Chatelan and Howard Crosby, charging Captain Alexander S. Williams with inefficiency and neglect of duty. Mr. Chatelan and his attorney, Mr. Frank Moss, of 93 Nassau street, have called upon me in person and informed me that they are prepared to furnish the evidence of the truth of the charges. The complainants are reputable citizens, whose statements are entitled to attention. I, therefore, request that you will take immediate steps to investigate the charges, and that you give an opportunity to the complainants to lay before you such evidence as they may be prepared to furnish. As you are aware, I have transmitted to you many complaints in regard to evil resorts in the Nineteenth precinct. As a rule, the reports returned to me have been unsatisfactory, and yet it is notorious that the law is openly violated in that precinct to such an extent as to make a common scandal. I have refrained heretofore from any positive action in regard to the complaint submitted to me, because I felt sure that the time would come, when the personal observation of the commissioners of police, and the facts known to them, would lead to a radical reform of the evils complained of in this precinct. This opportunity is now afforded, and I urge upon the commissioners that the investigation shall be thorough, and the purification of the precinct be made as complete as circumstances will allow.

"Yours respectfully.

"ABRAM S. HEWITT,

"Mayor."

Specifications were prepared upon the papers, offered and served upon Captain Williams by the superintendent, Mr. Murray then; and Captain Williams was brought to trial in July, 1887; they occupied a day in the trial, and produced the evidence of some 35 persons.

Q. Including what classes? A. They were ministers, householders, business men, two or three ladies who lived in the neighborhood, and some four detectives, who had been in certain of the houses.

Q. Did all these witnesses testify to the condition of the street? A. They did; Mr. James P. Smith, an undertaker now in business in that section of the city, testified that he lives west of Seventh avenue, right in that neighborhood somewhere, and that his family were obliged to make a detour of several blocks when they wanted to cross town, in order to avoid the sights and sounds, which they would have to meet if they went to Thirty-first and Thirty-second street; there was a minister, Rev. Cornelius Britlorne, who had a charge in Thirty-first street, near Seventh avenue, and he testified he was frequently annoyed, by women in the windows and doors, who knowing his profession addressed him with sometimes hardly any raiment upon them, and annoyed the young girls and members of the congregation; he testified he had made personal complaint to Captain Williams, and Captain Williams had endeavored to make him get the evidence; that upon his consent, the captain had secured some warrants against houses in Thirty-first street, himself making the affidavits that they were houses of ill-fame, and then when the trial or hearing came on, fell upon the Rev. Britlorne, to furnish the evidence, and on its being furnished, the cases were dismissed; all this time Captain Williams was reporting these houses to headquarters as alleged houses of ill-fame; his reports were put in evidence, and it appeared by the admissions of the captain upon the cross-examination, that in the space of a year and some months, he had made only two raids upon houses in that section; one of those being the one complained of, a girl whose trunk had been detained, and the other being made in some manner that he could not recollect; I submitted a brief of the evidence, having appeared as counsel for the prosecution, and the brief was reviewed in the opinion of Commissioner Fitz John Porter; he was the only commissioner who rendered an opinion; in his opinion he stated that the conclusions of the brief were justified by the evidence as he had read it, and I have here the opinion and briefs, or copies of them.

Mr. Goff.—Let me have that, please. We ask to have that marked in evidence.

(Paper marked Exhibit 1, October 2, 1894, L. W. H.)

Mr. Moss.—The board did not vote on that case for several weeks. My recollection is it was about six weeks. A vote was reached sometime in August. The records have been furnished by Major Kipp, and are before you, Mr. Goff. The vote was substantially a tie vote.

Q. Is this record here (indicating)? A. Yes, sir; right there.

Mr. Goff.—I read from the official minutes of trial No. 15, police department of the city of New York, produced here by the chief clerk of that department. "In the matter of the charges against Captain Alexander S. Williams, Nineteenth precinct. On motion of Commissioner Voorhees, it was resolved that the specifications be taken up seriatim, and voted upon. Commissioner Voorhees moved he be declared guilty of the first charge of the first specification. Lost. Commissioners Porter and Voorhees voting aye, and Commissioners French and McClave voting no. Commissioner Voorhees moved that the second specification be declared not proven. Carried, all voting aye. Commissioner Voorhees moved he be declared guilty on the third specification. Lost. Commissioners Voorhees and Porter voting aye; Commissioners French and McClave no. Commissioner Voorhees moved he be declared guilty on the fourth specification, notwithstanding the complaint made to him in the month of March, 1887, by Alfred S. Dowd, to which he, the said captain, admitted he knew the character of said house, promising to attend to the matter. Commissioners Voorhees and Porter voting aye, and Commissioners French and McClave voting no, and as to the whole specification, Commissioner Voorhees moved he be declared guilty of the fifth specification. Lost. Commissioners Voorhees and Porter voting aye; Commissioners French and McClave voting no. Sixth specification withdrawn. Commissioner Voorhees moved he be declared guilty on the seventh specification. Commissioners Voorhees and Porter voting aye; Commissioner French and McClave voting no. Commissioner Voorhees moved he be declared guilty on the eighth specification. Lost. Commissioners Voorhees and Porter voting aye; Commissioners French and McClave voting no. Commissioner Voorhees moved that he be declared guilty on the ninth specification, but declared not proven. Carried. All voting aye."

The Witness.—At that same session of the board, Captain Williams was promoted to the inspectorship, notwithstanding the tie vote. You will find that on the previous page, Mr. Goff.

Mr. Goff.—On the promotion of Captain Williams. In lead pencil memorandum on the margin, "Enter after judgment. On motion of Commissioner McClave, it is resolved that Captain Alexander S. Williams, of the Nineteenth precinct, be and he is hereby promoted to the rank of inspector of police. Commissioners French, McClave and Voorhees voting aye; Commissioner French voting no." That is under the date of August 9th, and in these specifications it appears that Commissioner Voorhees, on the same day, voted that he should be convicted of seven of the specifications of the nine? A. Yes, sir.

Q. And it appears by the record of the same commissioners, who voted him guilty on the seven specifications out of nine, voted to make him an inspector of police, at the same meeting? A. Yes, sir; this is the record of the trial of Captain Williams; but it is rather too bulky to put in evidence.

By Chairman Lexow:

Q. The same commissioner? A. The same commissioner — Voorhees; that is, it appears by the record here that there were nine specifications, and that Commissioner Voorhees voted that Alexander S. Williams be declared guilty on seven of those specifications; and he and Commissioner Porter voted aye on each motion, it being lost by a tie vote.

Chairman Lexow.—Guilty of conduct unbecoming an officer?

Mr. Goff.—Yes, sir; and at the same meeting this same commissioner voted to make this same man whom he moved but a few moments before to declare guilty, to make him an inspector of police, and he voted with the other commissioners.

The Witness.—I have here, Mr. Goff, the official record of Inspector Williams, from the time he entered the department, and I brought this record with the book, the original record at the office of the police department; and I find that this case is entirely omitted from the record; I have looked in the cases of other policemen, where there were tie votes, and have always found that the case was mentioned as a complaint, with no result; but in the case of Mr. Williams, there is no reference whatever to it.

Chairman Lexow.—I have the opinion of Commissioner Porter here.

By Mr. Goff:

Q. You say you find this record; it is not from the regular record in the department? A. I find there is no record upon it,

upon the record of the officer, there is a book at police headquarters, which contains the record of each officer, showing how many times complaints have been made against him, when made and what for, and what disposition; but there is no record in that book of this complaint against Captain Williams.

Q. I see? A. So that upon the record he is clear of this tie vote—upon the apparent record—it does not appear against him.

Q. This record you give us here is the official record you have obtained from the police department? A. It was furnished to me by the clerks at police headquarters.

Q. And this official record is no mention of these charges having been made? A. None whatever; I had occasion to cross-examine Captain Williams subsequent to that in the trial of two other police captains, and I asked him if he knew what was the result of that trial; he said he did not know; he said he supposed he was not guilty, because he was made inspector.

Mr. Goff.—We shall ask to put this record and make it in evidence for the present.

Chairman Lexow.—Mark it for identification.

(Record marked Exhibit 2 for identification, October 2, 1894, L. W. H.)

The Witness.—It was shortly after that trial that I became counsel for the Society for the Prevention of Crime.

Q. Now, have you had knowledge, Mr. Moss, of any other trial of a police official at headquarters? A. Yes, sir; about two years after that charges were laid by the Society for the Prevention of Crime against Captain McLaughlin and Captain Carpenter, charges of conduct unbecoming an officer, on specifications that they had willfully neglected to proceed against gambling-houses; in the case of Captain McLaughlin the house was 86 Fulton street; and in the case of Carpenter it was, I think, No. 15 Ann street; it was one house on Ann street; those were both notorious houses and appear upon the reports of those captains to headquarters as alleged houses used for gambling purposes; the facts briefly stated were that while these houses were in existence, untouched by any police effort, some private individual obtained evidence against them, secured warrants, had them raided, had the cases tried, convicted the proprietors and had the gambling apparatus destroyed without any co-operation whatever of the local police or these captains in particular;

the evidence having been obtained originally and the warrants executed without the knowledge of those captains, or of any of the police of this precinct, raids having been made, I think, from headquarters; our charge was substantially that these were well known houses; that they had been reported by the police captains themselves; that private citizens had been able to obtain the evidence and conviction, and that it was manifest that the captains were derelict, willfully derelict in their duty; we tried those cases in August, 1889; the vote upon those cases was, for conviction, Commissioners Voorhees and McLean; for acquittal, Commissioners McClave and Martin.

Q. Those are in Captain McLaughlin's precinct? A. It was in Captain McLaughlin's and Captain Martin's.

Q. Read those commissioners again? A. Voorhees and McLean for conviction. McClave and Martin for acquittal.

By Chairman Lexow:

Q. There was a Democrat and Republican on both sides?

Mr. Goff.—Yes; it was politically divided, the same as before.

The Witness.—Not apparently so. It was not a great while after that Mr. McLaughlin was made an inspector. I could not give the exact date. He got there.

Q. And while that charge was undisposed of? A. While this charge was undisposed of; while a tie vote was left there.

Q. And two commissioners, and he was made an inspector? A. Yes, sir.

Q. And is an inspector and chief of the detective bureau to-day? A. So I believe; that is my proof in the case; Commissioner Voorhees, I believe, stated, at the meeting of the commissioners, that he found that brief sustained by the evidence, the evidence being referred to Commissioner Voorhees for examination; Commissioner Voorhees reported after examination after the evidence that the officers should be convicted.

Q. Will you state from the examination of any record what commissioners voted to promote McLaughlin to inspectorship? A. I can not do that, sir.

By Chairman Lexow:

Q. You do not know whether the commissioners voted different again? A. No; I think not, but I am not sure.

By Mr. Goff:

Q. But it follows, of course, that a majority had to do so or he would not have been made inspector? A. Yes, sir.

Q. How about Captain Carpenter's case? A. Captain Carpenter has been retired.

Q. While the charges were holding against him? A. His charges were in the same condition that they stand there to-day; he retired on a pension; neither of these three captains have ever been declared acquitted of these charges.

Q. So that as the matter stands now, Mr. Moss, we have on the police force to-day two inspectors, one inspector — Inspector McLaughlin, chief of the inspector bureau of the city, and Inspector Alexander S. Williams, both of whom are under charges which have never been disposed of? A. Yes, sir; both of whom have failed to secure acquittal of serious charges; there is one other captain who got a tie vote, Captain Killalea; I was not present on the trial, but I noticed it from my interest in the matters; these were the only captains' trials where to the recent flurries, and they all resulted in tie votes; and that is all, since 1885, that I know of.

Mr. Goff.— Will you please step aside, Mr. Witness; I want to ask a few questions as a matter of interest.

Thomas Coleman, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Who did you first tell, officer, that Appo confessed to you he had attempted to commit suicide; now don't laugh and don't shake your hat; put your helmet down, please; answer my question? A. I don't know as I have told anybody.

Q. Do you know anything about it? A. No; nothing more than what you asked me.

Q. Who did you first tell that he confessed to you that he attempted to commit suicide; that is my question, sir? A. I told Detective Sergeant Vallyley.

Q. A moment ago you said you did not tell anybody? A. Not before this morning.

Q. When did you take him from the hospital? A. I never took him from the hospital.

Q. When did he tell you that? A. Between 6 and 8 o'clock the following morning at Chambers Street hospital.

Q. You said a moment ago you did not take him from the hospital? A. I was watching him in the hospital.

Q. He was raving all night long wasn't he? A. He was raving till about 10 o'clock — from 9 to 10 o'clock on Friday night.

Q. You have just testified in the police court, haven't you? A. Yes.

Q. That Appo wanted to make a charge of perjury there? A. Yes, he said so.

Q. That you had perjured yourself when you said he told you he attempted to commit suicide? A. He did not say to commit suicide.

Q. Wasn't that the fact, that he made the charge for that? A. I could not say that.

Q. What did he charge you with perjury for? A. He only said perjury.

Q. What did you testify to? A. I testified that Detective Sergeant Valley and Sergeant Burns brought me in Friday night, and they asked Appo if Riordan was not the man that cut him, and Appo said, no, Riordan was not the man that cut him, but that Riordan was a pretty good fellow.

Q. Was that all you testified to? A. That is all; and he told me the following morning he wished he was dead and cut his own throat.

Q. And Appo immediately wanted to make a charge of perjury on your testimony? A. Yes, sir.

Q. Now, let us see, officer, how many persons have talked with you about this Appo case since the occurrence the other night down by Baer's hotel? A. I wasn't in Baer's hotel at all.

Q. I did not ask you that, sir? A. How many people talked with me?

Q. Yes? A. About three or four, perhaps.

Q. Who are the three or four that talked with you? A. They weren't anybody in particular that talked with me.

Q. Had you anything to do with being on the premises then, around the North River hotel? A. No, sir; I was not on duty at all then.

Q. When did you have any connection whatever with Appo? A. When I came to work at 6 o'clock Friday night, the sergeant told me to go to the Chambers Street hospital to attend to a man who had attempted to commit suicide.

Q. So before you saw this man at all you were told by the sergeant to go and take care of a man that had attempted to commit suicide? A. Yes, sir.

Q. Your mind was possessed with the idea that you were worth watching this attempted suicide? A. Yes, sir.

Q. And your mind was prepared on that theory, wasn't it A. Yes, sir; I don't know—

Q. Yes; answer my question; what sergeant told you that? A. Sergeant Burns.

Q. At the Church street station-house? A. Yes, sir.

Q. Did he give you any particulars how the man attempted to commit suicide? A. No, sir; he told me nothing; only to go to the hospital.

Q. Did you hear nothing about it? A. No, sir.

Q. Did you not see the extra evening papers, or hear about it? A. No, sir.

Q. You mean to say you went to the Chambers street hospital and did not know Appo was the one who attempted suicide? A. No, sir; never knew until I got to the hospital.

Q. When you got to the hospital, did you see the man that attempted to commit suicide? A. Yes, sir.

Q. Did you know him? A. No, sir; never saw him before.

Q. When did you first learn that he was George Appo? A. I noticed in the paper, and the police officer I relieved told me.

Q. In the hospital from the police officer you relieved? A. Yes, sir; Officer Brunner.

Q. What did Officer Brunner tell you? A. He told me to watch him and be careful; and he gave me his pedigree.

Q. Why did you try to get it? A. Because he was to be transferred to Bellevue; it was written on a piece of paper; his age and nationality.

Q. What was his age? A. I think 28 years of age, it was down.

Q. And what was his nationality? A. United States; color, white; and charged drunk and disorderly and attempted suicide.

Q. Is it not a fact that you were told by this officer, Brunner, that Appo was frothing at the mouth when he was brought to the hospital? A. He did not tell me anything of the kind.

Q. Didn't he tell you he was raving down at the police station? A. He told me it took two or three men to take him down, and he was raving at the hospital.

Q. You mean to tell me you got this pedigree about a man that was raving, and it took two or three men to take him to the hospital? A. Yes, sir.

Q. Did he tell you he got the pedigree from the man himself? A. He did not tell me, and I did not ask him.

Q. Did he give you his name? A. Appo's name?

Q. Yes? A. It was written down in the paper he gave me.

Q. In whose handwriting was it? A. I can not tell; probably the sergeant's handwriting.

Q. Did you recognize Appo as the man that testified before this committee? A. I recognized the name.

Q. And was there anything said about suicide then between yourself and the officer? A. No, sir; the officer left immediately.

Q. I am not asking you when he left; was there anything said about the suicide? A. No, sir.

Q. Didn't he tell you the man was dangerous? A. He didn't tell me anything about the man.

Q. Didn't he tell you he was insensible? A. No, sir.

Q. Wasn't he sensible then? A. He was raving like a man that was crazy drunk and raving.

Q. Did you attempt to talk with him? A. Well, no; not for a couple of hours after I went in there.

Q. Weren't you told by the doctors of the hospital that no one should talk to him that night? A. No, sir; no doctor told me anything of the kind.

Q. Don't you know that was the rule of the hospital? A. No, sir.

Q. Were you ever there before? A. No, sir.

Q. Did you see a physician that came there before the hospital doctors? A. No, sir.

Q. Did you ever see any physician dress his wound? A. No physician dressed his wound after I was there; I was there from 6 to 12 o'clock Friday night and from 6 to 8 Saturday morning.

Q. That was the dog watch, from 6 to 8? A. Yes, sir.

Q. When did he recover consciousness? A. He was all right Saturday morning.

Q. When did he recover consciousness from Friday night? A. He was recovering from 8 o'clock; I would not say he was sober when I left.

Q. When did he recover consciousness? A. About 8 o'clock.

Q. Did you speak to him? A. Yes.

Q. What did you say to him? A. He wanted to urinate.

Q. What else? A. He asked the nurse to bring him a drink — he asked me to give him a drink, and I told him I had no authority.

Q. He was tied down? A. Yes, sir.

Q. Did he say anything about how this thing occurred? A. I asked him what did occur, and he said he did not know exactly.

Q. And he could not give you any different answer? A. No, sir.

Q. Did you drop it then? A. I dropped it then.

Q. Did you renew the subject again? A. No, sir.

Q. You did not speak at all then? A. No; no more than I had to ask the nurse a couple of times to help him urinate.

Q. Did you repeat the subject again to him at all about the accident? A. No, sir.

Q. And at 10 o'clock you left? A. At 12 o'clock I left.

Q. And he had been recovering consciousness from 8 o'clock until 12, four hours, and you could get nothing out of him respecting what had occurred? A. I did not ask him.

Q. Why did you not ask him? A. Because he asked me for a drink of water and called me over to him.

Q. Was the asking for a drink of water an invitation for you to ask him how this thing occurred? A. Sir; well, I simply asked him out of curiosity.

Q. You were told by your sergeant it was an attempted suicide? A. Yes, sir.

Q. You thought you would follow it up by your own curiosity? A. Yes, sir.

Q. Did you report what he told you at the station-house when you went back? A. I did not.

Q. Why? A. I did not think it was necessary.

Q. Wasn't it your duty? A. No; I did not think it was; he was charged with attempted suicide, and I was sent to watch him.

Q. You know as a police officer if a criminal made an admission it was your duty to report it? A. He did not tell me that night.

Q. He told you Friday night he did not know where it occurred? A. He said he did not remember how it happened or where it happened.

Q. Why didn't you report that to the station-house? A. I did not think it was necessary for me.

Q. What other officer took charge at 12 o'clock? A. Officer Burns.

Q. Did you say anything to Officer Burns as to what Appo said to you? A. No, sir; I did not.

Q. Did you tell him that you had talked with him? A. I told him that he was very ugly and cross, and to look out for him and not to untie him as he might get away.

Q. That he was very ugly and cross? A. Yes, sir.

Q. And was there anything said between yourself and Burns about the suicide? A. No, sir.

Q. And you went on duty again at 6 o'clock in the morning? A. Yes, sir.

Q. Did you go back to the station-house at 12 o'clock at night? A. Yes, sir.

Q. What sergeant was on duty? A. I am not positive sure; I think it was Sergeant Kress.

Q. Did you make any report about Appo or his condition? A. No, sir; made no report at all.

Q. Were you not bound by your duty to make a report of his condition? A. No; not that as I know of; it was the first attempted suicide I ever was watching.

Q. And you still believed, because the sergeant had told you, that this was an attempted suicide? A. Yes, sir.

Q. At 12 o'clock; and you had no other information about it except what the sergeant told you? A. That is all.

Q. And that belief you have maintained ever since? A. Yes, sir.

Q. Now, when you went there at 6 o'clock in the morning, did you talk with Appo? A. Yes, sir.

Q. Talk about how this accident occurred? A. No; I was reading a morning paper, the World, and he asked me for it, and he called me over and said he would tell me something.

Q. Do you mean to say that George Appo took you into his confidence? A. In other words he asked me—

Q. He called you over to tell you something? A. Yes, sir.

Q. What did he tell you? A. Well, he said that—

Q. Give us his exact words? A. He said he wished he was dead and out of the world.

Q. He wished he was dead and out of the world; that was the first word he said to you? A. I asked him why—

Q. Was he in bed at the time? A. Yes; tied in bed.

Q. And he had the morning World? A. He did not, sir.

Q. Did you have the morning World? A. I got it from the nurse in the hospital.

Q. I asked you if you had it? A. Yes, sir; I had it.

Q. And you were reading the morning World? A. Yes, sir.

Q. And you mean to say that George Appo called you over and wanted to tell you something? A. Yes, sir.

Q. And this thing he wanted to tell you was he wished he was dead? A. Yes, sir.

Q. You have given his exact words? A. Yes, sir.

Q. No mistake about it? A. No mistake about it.

Q. And what did you say to Appo when he said he wished he was dead? A. I think I told him I thought he would be all right.

Q. You thought he would be all right? A. Yes, sir.

Q. Was anything else said? A. No; I asked him what had happened.

Q. You said nothing and he went on to tell something else? A. He told me he cut his own throat.

Q. When did he tell you that? A. Between 6 and 8 o'clock Saturday morning.

Q. We will come to that by degrees; when you said you thought he would be all right, did he say anything? A. He did not say anything more, only asked me for the morning World.

Q. This man that wished he was dead asked you for the morning World? A. Yes, sir.

Q. And I suppose in giving him the morning World you thought you would accelerate his wish to be dead, did you? A. I did not care whether he was dead or alive.

Q. You did not care? A. No.

Q. This man was tied to the bed at the time you gave him the World? A. Yes.

Q. And his arms had been tied the night before? A. His arms had been tied the night before.

Q. And there was no change in his position, as far as being tied? A. He was loosened a little about the body so he could sit up in bed.

Q. Who loosened him? A. The nurse in the hospital.

Q. Loosened him in order to give him the World? A. Yes; and to get him a drink of water.

Q. After you gave him the World did he read it? A. Yes, sir.

Q. You saw him reading? A. He was reading it for half an hour.

Q. Did he say anything while he was reading? A. He made some remarks himself, but I did not pay any attention to it.

Q. You don't remember what he said, if anything? A. No, sir.

Q. Can't you tell whether it was about the subject he read in the World or not? A. He said something about Baer, and Baer's Hotel, that it was done in.

Q. About Baer's Hotel that it happened in; what did he say about that? A. That Baer was a good friend of his, and that he had been there many a time.

Q. Did he say anything else? A. No; nothing more.

Q. A moment ago, officer, you said you did not know what he did state to you, and did not pay any attention; now, you tell us your memory serves well enough to remember the hotel and all about going there; can't you think of something else? A. No; nothing more.

Q. That is the end of it? A. Yes, sir.

Q. How long did you stay there by him? A. From 6 to 8 o'clock.

Q. When he got through reading the World, what did he say? A. He asked the nurse for a drink of water.

Q. What next occurred? A. Nothing more.

Q. Did any further conversation take place between you? A. No.

Q. Not a word? A. Not a word.

Q. Until 8 o'clock, when you were relieved? A. Yes, sir.

Q. When you were relieved, who relieved you? A. Officer Farrell came first, and he was going to take him to court, and Officer Devery came.

Q. And then you went away? A. I went away.

Q. You have given us all the conversation that took place? A. Yes, sir.

Q. Every word, so far as you remember? A. Yes, sir.

Q. You are clear about it? A. Yes, sir.

Q. Now, think; is there anything else he said than you testified to? A. Not as I remember.

Q. Don't you think, you have been so particular in your memory you could remember anything else? A. I think so.

Q. You can say you have given all the words that George Appo said to you while he was in the hospital, both Friday night and Saturday morning? A. To the best of my memory, I have.

Q. Has your memory changed to-day since you came down from the Police Court? A. No, sir.

Q. You testified to anything different in the Police Court in the Tombs? A. No, sir.

Q. You testified to exactly the same as you testified here? A. Yes, sir.

Q. When you testified in the Police Court that he admitted to you that he attempted suicide, didn't you testify to something that you had not sworn to here? A. No, sir I have not.

Q. Why you have given us all the conversation, and yet you

have not given us a word of what you testified in the Police Court, that Appo said those words? A. Yes, I have, every word.

Q. You swore awhile ago that all he said to you was, I will repeat them, that he wished he was dead; he asked you for the World; he asked the nurse for a drink of water; not another word passed between you until 8 o'clock when you were relieved; that is what you swore to; is that true or false? A. I told you the other—

Q. Was it true or false, what you swore to a moment ago? A. Every word I said here was true.

Q. Did you tell the whole truth? A. The whole truth.

Q. When you say he admitted to you he committed suicide, how do you reconcile that, if you told the whole truth? A. I did not say he committed suicide; he attempted to.

Q. Did he say he attempted suicide? A. Yes, sir; I told you that, and in the Police Court.

Q. When did he tell you that? A. Between 6 and 8 o'clock.

Q. I ask you now to give us the exact conversation that passed between you and him between 6 and 8 o'clock, and you gave it to us? A. Yes.

Q. Why didn't you swear then, if you are telling the truth, what he said about attempting suicide? A. I repeated that before to you.

Q. Why didn't you, when I asked you to give the whole conversation, and every word he said, why didn't you tell us about his attempt to commit suicide? A. Because I told it to you before.

Q. I did not ask you before; you volunteered it; do you remember that; you volunteered it; do you remember? A. Yes.

Q. Are you dumb? A. I am not dumb; I remember I told you all about it.

Q. I did not ask you; you volunteered it? A. I did not think it was necessary to repeat it twice.

Q. You do not think it is necessary to repeat under oath what you are asked? A. I was under oath; all I had to say in this chair.

Q. Of course, we know that; now, officer, how long after was it that he asked for the drink of water that he said to you that he attempted to commit suicide? A. When he called me over to him.

Q. How many times did he call you over? A. He called me over more times—probably 50 times, between night and morning.

Q. I am asking you between 6 and 8 in the morning?
A. About half-past 6.

Q. Did he call you over again after he sat up in bed and read the World? A. Yes; he called me over and said about Baer's hotel, and there was a friend of his.

Q. Was that all he said after calling you over again? A. After reading; no.

Q. What did he say the second time? A. That was the second time.

Q. What did he call you over for for the third time? A. The third time he called me over for a drink of water and I refused to give it; I had no authority.

Q. Did he call to you another time? A. If he did I don't remember.

Q. And yet you told us he told you he attempted to commit suicide, and yet you can not tell us the occasion when he told you? A. I told you it was when he called me over to read the paper.

Q. When was it he called you over? A. The first time.

Q. You did not tell me that before? A. I told you once.

Q. Don't get stubborn; it is very serious matter for you; you swore here before them all he said to you the first time he called you over that he wished he was dead, did you not? A. Yes, sir.

Q. Was that true or false? A. It was true.

Q. When I asked you did he say anything else you said he did not say anything else at that time, was that true or false? A. I did, to the best of my memory.

Q. No you didn't; I asked you positively if he said anything else except those words when he called you over first, and you said no; did you swear to what was true or false? A. I swore to what was true.

Q. Did you swear to what was true or false when you said he did not say anything else to you when he called you over? A. I swore to what was true.

Q. You say now he said in addition that he attempted to commit suicide? A. It was the first thing he told me.

Q. Never mind about the first thing he told you; I ask you did he say to you when he called you over and said he wished

he was dead, say at that time he attempted to commit suicide, did he? A. He told me some time.

Q. Did he say at that time that he attempted to commit suicide? A. Yes, sir; he said it at that time.

Q. When you answered me awhile ago that he did not utter a word except "I wish I was dead," did you swear to a falsehood or to the truth? A. I told you first.

Q. Did you swear to a falsehood or to the truth; answer my question? A. Every word I swore to was the truth.

Q. When you said he did not say a word to you except he wished he was dead, did you swear to a falsehood or the truth? A. I swore to the truth every time.

Q. Do you now say that you now swear to the truth when you say in addition he attempted to commit suicide; do you swear that was true that he said at the first time that he attempted to commit suicide? A. I am not positive whether it was the first time.

Q. There is a doubt in your mind of it? A. It was the first or second time he called me.

Q. The second time you swore he only said he wanted the World? A. I think it was after he said he wished he was dead.

Q. That is the first time? A. Yes.

Q. Now your mind is beginning to wander a little, and you have some doubts about it? A. No; I have no doubts about it.

Q. You have fixed your mind determined on the point of suicide, isn't that so, officer; isn't it? A. It is the truth.

Q. You have fixed your mind definitely upon that point that he said to you that he attempted to commit suicide? A. No; I did not; that is the conversation.

Q. Is that the only thing that you are certain of; isn't that the only thing you can swear certainly? A. Yes; I can swear to every word I testified to.

Q. You say after the testimony you have given here that you are certain about everything else except that? A. I am certain about that, too.

Q. You are doubtful about everything else? A. No, sir; I am not doubtful about anything.

Q. Well, officer, what did he say to you when he said he attempted to commit suicide; just give the exact words? A. He said he wished he was dead and out of the world.

Q. That is the whole of it, isn't it? A. He said he attempted to commit suicide.

Q. Give the exact words he said? A. I asked him how it happened, and he said he did it himself; it was between 6 and 8 o'clock in the morning.

Q. Was it the time he said he wished he was dead? A. The time he wished he was dead.

Q. When you went there to his bed and he called you, that was what he first said; he said, "I wish I was dead?" A. Yes, sir.

Q. And now you add, "I wish I was out of the world;" you add that to it now? A. I don't add nothing; only the words he said.

Q. And you said he said, "I wish I were dead and out of the world;" you add, "Out of the world;" you did not say those words before, did you? A. Yes; I said he told me he had attempted suicide.

Q. I ask you what he said, sir; and what you have sworn to here? A. That is what I said.

Q. "I wish I was dead and out of the world;" that is it? A. Yes, sir.

Q. And you have added "Out of the world" to what you testified to before? A. Probably I did not remember it.

Q. Is there anything else you have forgotten? A. No, sir.

Q. You have given the whole of the conversation? A. Everything that I remember.

Q. "I wish I were dead and out of the world;" is that all the words he uttered at that time? A. Yes, sir; I asked him how it happened, and he said he attempted to commit suicide.

Q. When he said, "I wish I were dead and out of the world," did he continue talking or stop talking? A. He stopped; I asked him what happened.

Q. What did he say? A. He said he done it himself.

Q. He said what? A. He said he done it himself.

Q. Give us his words? A. I asked him how came his neck cut, and he said he done it himself.

Q. Awhile ago you said, "How did it happen;" one time you say how it happened, and another time you say how did he cut his neck? A. I said, "How did it happen?"

Q. Are you certain of it now? A. Yes, sir.

Q. As certain as you can be? A. Yes, sir.

Q. And after you asked him how it happened, what did he say? A. He said he done it himself.

Q. What did you next say? A. Nothing more.

Q. Give us his exact words; he did not say he done it himself; give his exact words? A. I asked him how it happened and he said he done it himself.

By Chairman Lexow:

Q. What is the language he used? A. Those are the words he used.

By Mr. Goff:

Q. No; he did not; do you mean to say that George Appo said "He done it himself?" A. Yes, sir; he said, "I done it myself;" he did not say "He done it himself."

Q. Are you in doubt about anything else? A. No.

Q. Have you any other modification of language, or change; he says, "I done it myself?" A. Yes.

Q. And then you were satisfied? A. It was all the same to me.

Q. You were satisfied? A. Yes.

Q. That settled it; he didn't ask any more questions? A. No.

Q. You didn't ask him how he came to do it himself? A. No, sir.

Q. Or what caused him to do it? A. No.

Q. Or if he was in trouble? A. No.

Q. Or drunk? A. No.

Q. Or sober, or anything else? A. No.

Q. You were satisfied then with what the captain had told you in the station-house? A. The captain didn't tell me anything.

Q. The captain told you to go and watch an attempted suicide? A. No, sir.

Q. Do you deny that? A. Yes, sir.

Q. You deny that the captain told you at the station-house to go up and watch an attempted suicide? A. Yes, sir; I do.

Q. You deny that? A. Yes, sir.

Q. Well, but officer, the very first words that you uttered, were that the sergeant told you at the station-house to go up to the station-house and watch a suicide? A. The sergeant and captain are two different people.

Q. You make the distinction there? A. Yes, sir.

Q. Did you see the captain? A. No, sir.

Q. Did you have a word with him? A. No, sir.

Q. And the only information you had was what the sergeant told you? A. That is all the information.

Q. Now, officer, from the time that George said, "I done it myself," was there any further conversation between himself and yourself, while you remained on duty at the Chambers street hospital? A. He asked me for the morning paper after that, and I gave it to him.

Q. Nothing further about this accident or cut? A. Nothing more, only about the Baer's hotel, I told you before.

Q. That is all he said; are you sure you gave us the whole conversation now? A. Yes, sir.

Q. Who did you first tell he told you he did it himself? A. I don't — I told Vallely this morning at the police court.

Q. Who is Vallely? A. He is detective-sergeant at headquarters.

Q. Didn't you tell anyone at the station-house? A. I don't remember whether I did or not.

Q. Will you swear you did not? A. I told you I told two or three that spoke to me about it; I told two or three officers I spoke to; one was Keough and the other was Bishop.

Q. And what did you tell them? A. I told him I thought he committed suicide.

Q. Was that all you told him, your thoughts? A. Yes.

Q. You were a little sharp a while ago; when you said to the officer that he thought he committed suicide, were you telling the truth? A. I told them the words he told me at the station-house, and that I thought he did it himself.

Q. And was it on the force of your thought you were subpoenaed as a witness at the Tombs police court this morning? A. No, sir.

Q. And you told the officer, "I thought he did it himself"? A. I didn't know nothing about it; the captain knows nothing about it whether he told me this or not; but I was taken to the police court this morning and was a witness there when they brought Riordan in, to see if I thought I could identify him as the man that cut Appo.

Q. When was Riordan brought in? A. Between 8 and 9 o'clock.

Q. When he was raving? A. He was not exactly raving; I said he was recovering from 8 o'clock up.

Q. You said it took him eight hours? A. Yes, sir.

Q. He was not recovered when Riordan was brought in? A. Well, he was recovering.

Q. And all you told the captain or anybody else was about Riordan being brought in? A. The captain never spoke a word about Riordan.

Q. Did you know about Appo being a green goods man? A. Nothing but what I heard in the papers about him.

Q. Do you know anything about the green goods men? A. I have read a good deal about it.

Q. As a police officer have you any knowledge of the green goods men in your district? A. I have not been in the Second precinct only two months.

Q. How long have you been on the force? A. Since 1888.

Q. While you have been in the Second precinct had you heard anything at all of the green goods men in the Second precinct? A. Yes, sir; I have read about them.

Q. There has nothing been said about looking after them? A. What he said from the desk; the captain said to look out and be careful.

Q. Of what? A. Of green goods men and bunco steerers.

Q. And what else?

Chairman Lexow.—What kind of men is that?

Q. Have there been any arrests made in the Second precinct of green goods men and "bunco" steerers since you have been in the precinct? A. I could not tell you.

Q. There is another matter that you will be inquired of, officer, so don't leave the court-room if you please; we will excuse you for the present.

By Senator Bradley:

Q. After you got orders from the sergeants to go to look out for this man in the hospital, did you step into any place, or did you meet anyone and have any conversation with anyone when you went from the station-house until you got to the hospital? A. No, sir; I did not meet anybody I know, or stop into any place.

Q. No liquor store? A. No liquor store.

By Chairman Lexow:

Q. You said you did not care whether he was dead or alive; what do you mean by that? A. It was all the same to me.

Q. Is that the usual feeling you have for people placed in your control or custody? A. I did not notice the man.

Q. You had a perfectly indifferent feeling toward this man, and did not care whether he was dead or alive, is that true? A. I had no ill-feeling against him, and never saw the man before.

Q. Why did you make a distinction between him and others placed in your charge? A. I read a good deal about him in the papers and heard he was a pretty hard case.

Q. And because you considered he was a pretty hard case, you did not care whether he was dead or alive? A. Yes.

Q. And you had been charged clubbing citizens? A. I have.

Q. How many times? (No answer.)

Q. How many times (repeated)? A. I think it is twice.

Q. Ever been convicted? A. Yes.

Q. And fined? A. Yes, sir.

Chairman Lexow.—Well, I won't go into that matter.

Mr. Goff.—I think we might as well end it now, as we have him as an exhibit.

By Chairman Lexow:

Q. You have been convicted twice for clubbing citizens? A. I have about 16 charges against me.

Q. How many times found guilty? A. I don't think I have been found guilty on any charge except one.

Q. And you swore in every one of those cases you have not clubbed citizens? A. Yes, sir.

By Mr. Goff:

Q. And the commissioners did not believe you? A. I don't know whether they did or not.

Q. They found you guilty against your own oath, didn't they? A. Yes, sir.

Q. The commissioners were of the same mind as we are in listening to your testimony here, about Appo? A. I don't know about that.

Q. You say, how many times were you convicted? A. I think about 16; not for clubbing; I did not say for clubbing, only for clubbing twice.

Q. How many times have you been convicted for clubbing citizens? A. I think twice.

Q. Are they such trifling things in a policeman's life that you forget it? A. I told you twice, two times.

Q. And who were the citizens that you clubbed? A. One was named John Casey, and the other man's name was, I think, Henry Ott.

Q. Now you are clear about that? A. Yes, sir; I am clear about that.

Q. And what was the judgment against you in the case of Casey? A. Twenty days' pay.

Q. That amounted to about how much money? A. Seventy-five dollars.

Q. How much? A. I think about \$75.

Q. And what was the judgment in the case of Ott? A. Seven days.

Q. And what did that amount to? A. It was a fine of seven days' pay.

Q. That is about \$21, or \$22 or \$23? A. Around that neighborhood.

Q. Each of those citizens you clubbed with your club? A. No; I didn't have no club, but one time I was in citizen's clothes; I was accused of hitting Ott with a pitcher in the head.

Q. With a pitcher? A. Yes.

Q. You were on duty when you clubbed Casey? A. Yes sir; I was on duty.

Q. And you used your night stick upon him? A. I did not get a chance to use it.

Q. But you mean to say you did not club Casey? A. I mean to say I did not club him, and got fined for it.

Q. And you mean to say the commissioners convicted you wrongfully? A. That is what I mean to say.

Q. And that is what you swear? A. That is what I swear.

Q. And Casey swore that you did club him? A. Yes, sir.

Q. And clubbed him brutally, too? A. One time in Jefferson Market police court he swore I did not hit him and then he swore I did; he swore I only struck him once.

Q. And knocked him down and felled him like an ox? A. He was down.

Q. Oh! That is worse again; so that he swore that when he was down prostrate you clubbed him when he was prostrate?

A. The disposition of the case I will give you if you want it.

Q. But he swore that while he was down you clubbed him as an officer of the law with your night stick? A. Yes, sir; I guess —

Q. And the commissioners believed him? A. Well, I suppose they did.

Q. They believed his oath, and they believed the evidence of his witnesses, did they not? A. Yes, sir.

Q. And they disbelieved you and your witnesses? A. Yes, sir.

Q. And they fined him 20 days' pay? A. Yes, sir.

Q. And in other cases that you have been accused of assaulting citizens you have sworn that you did not assault them? A. Yes, sir.

Q. And in other cases you have been convicted? A. Yes, sir.

Q. By the commissioners? A. Yes, sir; I convicted this man too.

Q. Never mind what you did; I ask you what the commissioners did; and after convicting you of all these assaults they practically convicted you of perjury in every case, didn't they? A. I don't know whether that is so or not.

Q. You say you were only convicted twice for assault? A. Yes.

Q. Let us see; we have here your record from the official record; "Name, Thomas Coleman," that is yourself? A. Yes, sir.

Q. "Appointed, November 12, 1888;" now the list of complaints against you; "The date of the complaint, September 8, 1889, did not properly patrol; one day's pay for that;" you got into the second grade on November 12, 1889; on November 20th you did not properly patrol; you were fined one day's pay for that; on June 10, 1890, standing in conversation with females; you got half a day's pay for that; you were convicted of that, talking to females? A. Yes.

Q. Just think of it? A. I think there was only one female there; I do not believe there was two.

Q. That is the reason you were fined half a day because there was only one? A. Yes, sir; I don't know —

Q. On July 9th, assaulted a citizen with a pitcher, and on July 29th — A. I don't think that date is right, though.

have not given us a word of what you testified in the Police Court, that Appo said those words? A. Yes, I have, every word.

Q. You swore awhile ago that all he said to you was, I will repeat them, that he wished he was dead; he asked you for the World; he asked the nurse for a drink of water; not another word passed between you until 8 o'clock when you were relieved; that is what you swore to; is that true or false? A. I told you the other—

Q. Was it true or false, what you swore to a moment ago? A. Every word I said here was true.

Q. Did you tell the whole truth? A. The whole truth.

Q. When you say he admitted to you he committed suicide, how do you reconcile that, if you told the whole truth? A. I did not say he committed suicide; he attempted to.

Q. Did he say he attempted suicide? A. Yes, sir; I told you that, and in the Police Court.

Q. When did he tell you that? A. Between 6 and 8 o'clock.

Q. I ask you now to give us the exact conversation that passed between you and him between 6 and 8 o'clock, and you gave it to us? A. Yes.

Q. Why didn't you swear then, if you are telling the truth, what he said about attempting suicide? A. I repeated that before to you.

Q. Why didn't you, when I asked you to give the whole conversation, and every word he said, why didn't you tell us about his attempt to commit suicide? A. Because I told it to you before.

Q. I did not ask you before; you volunteered it; do you remember that; you volunteered it; do you remember? A. Yes.

Q. Are you dumb? A. I am not dumb; I remember I told you all about it.

Q. I did not ask you; you volunteered it? A. I did not think it was necessary to repeat it twice.

Q. You do not think it is necessary to repeat under oath what you are asked? A. I was under oath; all I had to say in this chair.

Q. Of course, we know that; now, officer, how long after was it that he asked for the drink of water that he said to you that he attempted to commit suicide? A. When he called me over to him.

Q. How many times did he call you over? A. He called me over more times—probably 50 times, between night and morning.

Q. I am asking you between 6 and 8 in the morning?
A. About half-past 6.

Q. Did he call you over again after he sat up in bed and read the World? A. Yes; he called me over and said about Baer's hotel, and there was a friend of his.

Q. Was that all he said after calling you over again? A. After reading; no.

Q. What did he say the second time? A. That was the second time.

Q. What did he call you over for for the third time? A. The third time he called me over for a drink of water and I refused to give it; I had no authority.

Q. Did he call to you another time? A. If he did I don't remember.

Q. And yet you told us he told you he attempted to commit suicide, and yet you can not tell us the occasion when he told you? A. I told you it was when he called me over to read the paper.

Q. When was it he called you over? A. The first time.

Q. You did not tell me that before? A. I told you once.

Q. Don't get stubborn; it is very serious matter for you; you swore here before them all he said to you the first time he called you over that he wished he was dead, did you not? A. Yes, sir.

Q. Was that true or false? A. It was true.

Q. When I asked you did he say anything else you said he did not say anything else at that time, was that true or false? A. I did, to the best of my memory.

Q. No you didn't; I asked you positively if he said anything else except those words when he called you over first, and you said no; did you swear to what was true or false? A. I swore to what was true.

Q. Did you swear to what was true or false when you said he did not say anything else to you when he called you over? A. I swore to what was true.

Q. You say now he said in addition that he attempted to commit suicide? A. It was the first thing he told me.

Q. Never mind about the first thing he told you; I ask you did he say to you when he called you over and said he wished

those two assaults, one with the pitcher and one with a club?

A. I was not convicted of assault in these.

Q. Here you assaulted two persons in addition? A. I was discharged in that case, and I told you I was convicted on two cases.

Q. Let us see, here is the record, if you were discharged, "Thomas Coleman, Twentieth precinct, May 27, 1892, fined 30 days' pay; charge, under the influence of liquor and violently assaulted one Maggie Cox and John Kiely, of 343 East Thirty-first street; complainant, Captain Cross; on January 12, 1892, Captain Cross found this officer at the Twenty-second precinct station-house, under arrest, charged with assault; he was drunk; he had knocked down little Maggie Cox, and she was bleeding from the back of her head; the captain sent her to the hospital?" Do you remember that? A. Yes, sir; I remember it.

Q. And when you swore a while ago that you were only convicted twice, of assault, did you swear what was true or false?

A. Yes, sir; I was not convicted of that charge.

Q. Here is the record, you were fined 30 days' pay? A. For intoxication I was fined.

Q. Then you were fined for being drunk, and not for knocking a little girl down and cutting her? A. I was tried in the Jefferson Market police court, and discharged there.

Q. I ask you now in the trial before the police commissioners, do you mean to say you were fined for drunkenness, and you were not fined for knocking this little girl down and cutting her? A. Those people never made the complaint against me.

Chairman Lexow.—Here is the specification that was proven; he was fined 10 days' pay for assault and 30 days' pay for intoxication, is that the usual way?

Mr. Goff.—That is about the way of it. Why, standing in a doorway, and failing to properly patrol his post, is a greater offense for a police officer to commit than to club a citizen, or to knock down a little girl and cut her.

Chairman Lexow.—It seems so from the verdict.

Mr. Moss.—There is only one dismissal from the force, for assaulting a citizen in three years. Here is the specification, and there is the judgment. Let me read that specification. Here is the specification in this case: "That said patrolman, Thomas Coleman, was so much under the influence of intoxicating liquor at 10 p. m., January 12, 1892, as to be unfit for police

duty, he being at the time on the sick list, under the care of Police Surgeon Charles Phelps.

"Second. That said Patrolman, Thomas Coleman, between the hours of 8 and 9 p. m., January 12, 1892, did strike Miss Maggie Cox, age 15 years, of 346 East Thirty-first street, a severe blow on the mouth with his fist, while she was walking on Broadway, between Forty-eighth street and Forty-ninth street, with her father, knocking her down, causing her to receive a severe scalp wound on the back of her head.

"Third. That Said Patrolman Thomas Coleman, during the hours of 8 and 9 p. m., January 12, 1892, did strike John Kiely, aged 19 years, of 450 West Thirty-third street, a severe blow on the mouth with his fist, breaking one of his (Kiely's) teeth; complainant, Adam A. Cross, captain, Twenty-eighth precinct. Witnesses, Charles Phelps, surgeon of police; John H. Nesbitt, surgeon of police; Andrew J. Thomas, sergeant, Twentieth precinct; Bernard Cahill, sergeant, Twentieth precinct; John Kiely, 450 West Thirty-third street; Maggie Cox, 346 East Thirty-first street; Patrick Cox, 346 East Thirty-first street; John Aiken, patrolman, Twenty-second precinct. Signed Adam A. Cross." And your signature is there. That is your signature to those specifications to show they were received by you? A. Yes, that is my signature.

Chairman Lexow.—Did the captain of the precinct make the charge himself?

Mr. Goff.—Yes, sir. Now, we will read the judgment: "At a meeting of the board of police department of the city of New York, duly convened and held pursuant to law, and the rules and regulations of the said board, at No. 300 Mulberry street, in said city, May 27, 1892. Present.—James J. Martin, Charles F. MacLean, John McClave, John C. Sheehan, commissioners. In the matter of the charges against Thomas Coleman, patrol of the police force of the police department of the city of New York, attached to the Twentieth precinct. Upon reading and filing certain written charges in this matter, dated January 13, 1892, duly made and preferred in the form and manner prescribed by law, and the rules and regulations of the said board, by Captain A. A. Cross, against the said Thomas Coleman, and a member of the police force of said city, and due proof having been made that a copy of such charges, together with a written notice that the same had been made and preferred

against him, the said Thomas Coleman, requiring him to appear and answer thereto, at a proper time and place named in said notice, had been duly served upon him, the said Thomas Coleman, in the manner required by law and the said rules and regulations; and he, the said Thomas Coleman, having appeared and answered at the time and place mentioned and required by said notice, and the said charges having been duly brought to a hearing, and duly tried, heard, publicly examined, and investigated in the manner required by law and the rules and regulations of the said board, and full opportunity having been afforded to the said Thomas Coleman to be heard in his defense; and the proofs and allegations in relation to said charges having been duly taken and recorded as required by law, and the said rules and regulations, and the deliberation thereon had; now, therefore, it is resolved, declared, ordered and adjudged, that the said charges are true, and that the said Thomas Coleman, be and is hereby fined 30 days' pay, and compensation or salary, is hereby ordered to be forfeited and withheld, amounting to \$98.62. By order of the board of police. William H. Kipp, chief clerk."

Q. What do you say now about you being convicted upon the charge of having knocked down Maggie Cox? A. They never made a complaint against me at police headquarters at all.

By Chairman Lexow:

Q. The record shows they were examined there as witnesses? A. No, sir; the record does not show that.

By Mr. Goff:

Q. Do you mean to say this record is a falsehood? A. I mean to say they never went to police headquarters.

Q. Do you mean to say this record was a falsehood? A. They never appeared against me.

Q. Didn't you terrify them against appearing against you in the Jefferson Market Police Court? A. I did not, sir.

Q. Didn't you and your brother officers go and testify them against interfering against you? A. No; I was under \$1,000 bail; I was examined and discharged.

Q. Because they did not appear against you, and because they were intimidated against that? A. I never did intimidate them.

Q. Your brother officers did? A. I don't know that they did.

Q. You know that is the custom? A. No, sir.

Q. You know when one is charged, all the rest work for you, in an assault against a citizen? A. No, sir.

Q. Now, even if it was true that they did not appear against you at police headquarters, the police surgeon appeared against you and testified to the condition of this little girl, and the boy whose tooth you broke, and your own brother officer appeared against you, and even on their testimony you were convicted? A. Yes, sir; I was convicted, sir.

Q. Now, we will proceed with one question more; when I have read to you now this specification, this will make four assaults, Mr. Officer, and you swore you were convicted of only two assaults, how do you explain that? A. I explain it because those people—I could not be convicted because they did not go to police headquarters against me.

Q. You say this is not a conviction of 30 days for clubbing one Maggie Cox and breaking Kiely's tooth? A. They could not find me.

Q. And you were fined 30 days? A. For intoxication.

Q. Do you mean to say your defense was when you knocked down Maggie Cox and knocked out Kiely's tooth, you were intoxicated? A. My best impression is I did not do it at all.

Q. Let me read you the defense; your offense was, "sickness, grip, medicine, etc., etc.;" you remember putting in that defense; that is the record, there it is; you were sick? A. Yes, I was sick.

Q. You had the grip, had been taking medicine and had been suffering from disease, etc., etc.; that was your defense for knocking down this little girl and breaking this young man's tooth; you are a fine specimen of a police officer.

Mr. Goff.—On October 18th—I will follow on with your interesting record. On October 18th, "Did not properly patrol." You were fined one day's pay for that. On October 21st you were off post, standing in a doorway, you were fined one day's pay for that. On January 13, 1892, you were under the influence of liquor. That is the Maggie Cox matter? A. I think you read that all.

Q. Your memory is pretty short now; you do not want to be guilty of more than you are guilty of? A. I guess I am guilty of enough there.

Q. On February 5, 1893, you did not properly patrol and were fined one day's pay; on February 17th, you did not properly patrol; the charge, I believe, was dismissed? A. Yes.

Q. One dismissal; one bright mark in your record; on August 16th, you failed to go to detailed post as ordered and were fined two days' pay; on November 21st, you did not properly patrol, and were fined one days' pay; on March 18, 1894, you were absent from post in a restaurant and were fined half a day's pay, and on March 22d, you did not properly patrol, and fined one day's pay, altogether 16 charges.

Chairman Lexow.—That is what he testified to.

Mr. Goff.—Sixteen charges, and 15 convictions out of the 16 charges, and four of those brutal assaults upon citizens. I wish merely to read this. There is another interesting episode of your trial. You were asked by the commissioner: "Q. It has been stated here by some of the witnesses who have testified that you were under the influence of liquor on this night; now, will you state to the commissioners whether you had taken a drink of anything that day? A. I have not taken a glass of whisky in 15 years, and I defy any man to say I have."

The Witness.—Fifteen months; I did not say 15 years.

Q. Fifteen months you said; that is a misprint? A. It must be.

Q. Later on, "Q. (By a commissioner.) And you say that you were not under the influence of liquor, and haven't tasted a drop of whiskey in 15 years? A. Yes."

"Q. (By commissioner.) What medicine did you take that day?" And you answered, "A. I have got the medicine here in my pocket; I took five quinine pills, and two capsules, and a glass of hot lemonade."

Q. Did you have all that in your pocket at the time? A. I don't suppose I had that.

Q. And under the influence of these terrible and powerful narcotics and stimulants, you knocked down this little girl on Broadway, and broke—quinine and capsules and lemonade? A. Kiely hasn't a tooth broken to-day.

Q. The commissioners said you had broken it? A. I have not seen his tooth broken.

Q. Have you examined him since? A. Yes; I have seen him since.

Mr. Goff.—Now, I think, Officer Coleman, we will excuse, that you may pursue your brilliant and meritorious career on the force.

The Witness.—Thanks; much obliged to you.

Mr. Moss resumed the stand, and testified as follows:

The paper referred to by Mr. Moss, in regard to the trials of Captain Carpenter and McLaughlin, was here marked in evidence, "Exhibit 3, October 2, 1892, L. W. H."

Mr. Moss.—Continuing the line of testimony upon which Mr. Goff was interrogating me, there were a great many cases of licenses broken, and a great many convictions obtained against houses of ill-fame or the proprietors of houses of ill-fame by the Society for the Prevention of Crime, to which matters I am knowing, and the uniform rule was that the houses continued to do business, regardless of the raids and regardless of the convictions, and that no saloon ever went out of business, though its excise license was broken. Sometimes the ink of the revocation was hardly dry, before a new license was issued to another person, who, of course, swore he had no business connection with the individual whose license had been broken. I never knew a house of ill-fame being closed up through a raid, until the one or two cases that were brought to public attention by Doctor Parkhurst in 1892, Hattie Adams and Mary Andrews. I believe those houses were really broken up. In one case, the case of Lena Demerville, officers of our society procured and had the proprietors and girls arrested three different times, and three different times they were held for trial. On the third occasion, Justice Taintor, before whom the case came, who knew of the previous raids, made a departure and held all the girls, some six girls, as vagrants, and committed them to the island for six months; but those girls never went to the island. They were removed from the Fifty-seventh street prison to the Jefferson Market prison, upon a pretext that the Fifty-seventh street prison was not in order to accommodate them — there were some repairs being made. Another justice was sitting at Jefferson Market. On the following day that justice signed a formal certificate to the Commissioners of Charities and Corrections, requiring them to discharge the girls; that was Judge Grady, and the girls never went to the

island, and were discharged, without Judge Taintor's knowledge. When the matter was brought to his attention, which was some months afterward, it was made a subject of inquiry by the grand jury of this county, who found no indictment, but found a presentment on the subject. It appeared that the Commissioners of Charities and Corrections had violated the law, and made themselves liable for misdemeanor by discharging these girls without a certificate from the committing magistrate; but it further appeared that they supposed that the justice who signed the certificate was the committing magistrate; so while they were legally guilty, they were not morally guilty; and the grand jury did not go to the extreme of indicting anybody. But this checked the practice, which was very prevalent, of discharging vagrants or persons charged with disorderly violations and preventing them serving upon the island. Some time since I began an examination of the record of police trials at police headquarters. A large part of the examination was made by me personally. Portions of it were made by Mr. Gregg, a lawyer associated with me, and by a clerk, but all under my direction. I have prepared a volume which I furnish to the committee now, with an index on the last page, showing, first, the law and practice of the trials; second, the trials of superior officers, then general statistics of trials for 1891, 1892 and 1893. Table of convictions for offenses amounting to crimes, total of misdemeanors and felonies, a few cases of assault in 1890. Table of convictions for abusing citizens, etc., not amounting to crime. Table of complaints against officers for assaults and other crimes, which were not decided May 1, 1894. Table of complaints for assaults and other serious matters, dismissed. Table of dismissals from the force with causes. Table of extremes, fines and causes, and then following that general statement, the particulars of certain interesting cases, which were referred to page by page, tables in the early part of the book. This examination only covers about three years, from January 1, 1891, to May 1, 1894. From this examination it appears, that the majority of the officers of the force have several convictions against them, most of them being for disciplinary offenses. It also appears that the accused officer generally denies a charge on oath and an adjudication of his guilt is necessarily a determination of his perjury. We have not discovered that any official notice is taken of this perjury, many

charges being denied under oath, and the officer going back to duty without any conviction except the conviction for the offense charged. I find that many of the convictions, which would be convictions of misdemeanors and felonies, if rendered in a criminal court, the penalties are these small fines. From May 1, 1891, to May 1, 1894, only four officers were dismissed for assault, and in many outrageous cases the officers were punished by fines of from three to 15 days' pay. Of those four convictions, three were for assault on officers, and one case in the three was a conviction for assaulting a citizen which occurred on the day of the parade of General Sherman's funeral where the assault was committed on the line of march, and witnessed by General Wingate, and Duke Townsend, and other prominent citizens, who appeared as witnesses on the trial. The most of the cases of dismissal, are intoxication and absence without leave. I find on May 1, 1894, there was a large number of assault cases still pending and undecided, and some of them dating back for a couple of years. I find, too, a very large proportion of assault cases dismissed. There appears to be no provision or practice in the department for causing the punishment criminally of an officer who has committed crime. Occasionally it appears they are prosecuted, but always in an accidental way by the appearance of the adjudged person in a police court, or by some reason, some peculiar circumstance that brings it to the attention of the magistrate. A number of officers are convicted by the court each year of criminal assaults and oppression and are fined and returned to duty. There are now on the force 90 officers, who have been convicted since January 1, 1891, for assaulting and abusing citizens, some of the cases showing brutality appalling, in most of the cases the officers have denied the charge under oath. The charges contain definite specifications, and the judgment is always a formal adjudication that the charges are true. There are on the force a number of policemen who had been convicted two or more times for assaulting and abusing citizens. Prior to May 1, 1894, there were very few officers above the grade of patrolman, who had been tried or convicted. The four captains whom I mentioned in my previous testimony, together with Captain Connor, who was charged with assault, and false arrest in 1891, but in whose case there never has been any decision, and the case of Captain Stevenson, who assaulted a citizen,

and was reprimanded for it, December 6, 1890—those are all the cases against police captains for five years prior to March, 1892, when the grand jury made a presentment against the police department. After the presentment of the grand jury, and prior to the appointment of this investigating committee, there were charges against Inspector Williams and Captain Dogherty of permitting gambling-houses to be run, on which Inspector Williams was acquitted and Captain Dogherty was reprimanded. There was charges against Inspector McAvoy and Captain Westervelt for permitting an opium joint to be run; against McAvoy and Stevenson, for permitting gambling-houses to be run. McAvoy was acquitted and Williams and Stevenson were reprimanded. The first serious punishments; that is punishment by retirement, which occurred to police captains, were subsequent to the appointment of this investigating committee. I find that in 1891 there was 4,059 trials at police headquarters. In 1892, there were 3,421 trials. In 1893, there were 4,209 trials; a total of 11,689 trials in three years. We will offer this volume in evidence, Mr. Chairman, with the schedule.

Chairman Lexow.—A copy of it.

Mr. Moss.—Yes, it is in triplicate, with the schedule which I mention testified to in detail, and we will substantiate the volume, by calling a police officer and other witnesses, as the hearing progresses.

Chairman Lexow.—There are here a number of places that are erased? A. Those came in by mistake; those are not to be considered. I shall have a copy rebound with those out.

The two volumes referred to are marked Exhibit 1, October 2, 1894, L. W. H.

Chairman Lexow.—All witnesses under subpoena, especially the officers, will attend this afternoon at a quarter after 2. We stand adjourned until that time.

AFTERNOON SESSION.

October 2, 1894.

Mr. Moss.—Mr. Chairman, with your permission, I will continue the statement that I was making from the witness chair, and give some facts which did not occur to me then. The total number of cases where officers were convicted upon charges

or testimony that amounted to crimes, from January 1, 1891, to May 1, 1894, which I examined, were 109. Ninety-two of those men are still on the force. The punishment allotted was as follows:

Two days' fines, eight cases; three days' fines, 22 cases; five days' fines, 36 cases; eight days' fines, one case; 10 days' fines, 25 cases; 15 days' fines, five cases; 20 days' fines, eight cases; 30 days' fines, nine cases. Dismissals from force, four cases.

The nature of the crime in each case was the subject of examination, and from the charges and the testimony I have divided them under their appropriate heads.

Criminal neglect of duty, 12 cases; oppression, 28 cases; indecent exposure, one case; assault, third degree, 56 cases; assault, second degree, 45 cases; burglary, one case; crime against nature, one case.

I would say that the specification did not allege that in so many words, but the testimony which was the basis of the conviction, alleged it in specific terms, in detail; and that officer was not dismissed from the force but was allowed to resign some two years, I think, afterward. I will be specific about that case later. Attempted rape, one case.

That appeared upon the evidence; not in the specification.

Number of misdemeanors, 97; number of felonies, 46.

In examining these cases we noticed, after a while, that it was customary for the officer to deny the charge on oath. We did not examine each case for the purpose of putting it in the category of denials, but noticed 66 of the 109 cases where the officer was convicted, notwithstanding his denial on oath of the charge. There were many more than 66.

In addition to the 109 cases where assaults were committed, or other acts amounting to crimes committed, there were 22 cases where officers were convicted of matters of a serious nature, such as abusing citizens but not amounting to assault. For instance, Officer John J. Barnes was convicted of carelessly handling a pistol and accidentally killing a citizen. He was convicted of that charge and fined ten days' pay. On August 27th the officer was examined before a coroner who concluded that the circumstance was accidental, so that he was not held for criminal trial, but before the commissioners was convicted of having carelessly handled his revolver. The fact of the discharge of the pistol and of the death of the citizen was proved,

and he was fined ten days' pay. There are two cases of officers who entered the names of citizens on registry books on the registration days prior to election. It appeared by the testimony which was given, that they took the places of clerks, of registry officers, who were absent, and apparently did not intend to do more than clerical work; but they were found guilty, and one man, William J. Mooney, was fined three days' pay. The other case was Charles A. Place, fined three days' pay, 1891, December 4th.

I found 56 cases of assault and other serious charges which had not been decided on the 1st of May, 1894.

These cases run back as far as the 10th of February, 1891.

Then I found within that period 65 cases in which the complaints were dismissed. We have not attempted to say that in any particular case the dismissal was contrary to the evidence, and we have not estimated the cases where the complaints were dismissed, or where no decision has been rendered, in our presentment of the matters mentioned by Mr. Goff before this committee to-day. We prefer to rest our case upon those points, upon the convictions of officers by their superiors, the police commissioners. That eliminates all questions that could be raised as to the conduct of the police department.

Within that period, 1891 to 1894, we found 61 dismissals, which are mentioned at page 33 of this book. The cause of dismissal is given opposite the name of each man. Only four of those dismissals were for assault, as we have previously stated. The prevailing cause is absence from post, intoxication, not properly patrolling.

I offer in evidence the record of Alexander S. Williams, which was marked for identification. It is not very long, and I will read it with your permission: August 3, 1866, appointed; February 25, 1867, absent from post and in company with his side partner; March 21, 1867, reprimanded.

Chairman Lexow.—Where did you get that record?

Mr. Moss.—This record is furnished by the department. I read from the official copy of the book, showing the record of each officer.

Chairman Lexow.—Does the police record show that phraseology: absent from post with his side partner?

Mr. Moss.—Yes, sir; exactly that.

Chairman Lexow.—What does that mean?

Mr. Moss.—That means that he and his brother patrolman, the officer with whom he was paired, were absent from post.

Chairman Lexow.—Is that the expression of the police department?

Mr. Moss.—It is an expression that is frequently used.

Mr. Moss continued to read from the record of Alexander S. Williams as follows: June 29, 1870, absent from roll-call; fined two days' pay. September 15, 1870, neglected to return to his post, directly from court; complaint dismissed. September 15, 1870, arrested a vendor for cruelty to animals; complaint dismissed. September 27, 1870, absent from post in Revere house; complaint dismissed, promoted to roundsman, July 10, 1871; promoted to sergeant, September 23, 1871; promoted to captain, May 31, 1872. May 28, 1875, assaulted Owen Clark, in front of residence; complaint dismissed. April 10, 1875, used improper language to Thomas Wild; reprimanded by superintendent. March 8, 1876, insulting, menacing and defamatory words to Alex. McGuw; reprimanded by superintendent. March 8, 1876, failed to enforce an ordinance; complaint dismissed. March 19, 1879, assaulted W. V. Blake, at Gilmore's Garden; complaint dismissed. March 19, 1879, neglected and refused to pull gambling-house at request of Michael Dunn, who lost money in said house; complaint dismissed. March 19, 1879, neglect and refusal to pull gambling-house at request of Charles Williams who lost money in said house; complaint dismissed. March 20, 1879, neglected and refused to pull gambling-house at request of Thomas W. Murphy, who lost money in said house; complaint dismissed. March 21, 1879, neglected and refused to pull gambling-house at request of James Kearney, who lost money in said house; Complaint dismissed; abusive language to a clerk of police department, fined 10 days' pay; October 20, 1879, assaulted Charles W. Smith, at Twenty-fourth street and Fifth avenue; complaint dismissed; August 21, 1879, refused to give information to a reporter named John Campbell; complaint dismissed; May 3, 1885, allowed gambling-houses to exist in his precinct; complaint dismissed; January 11, 1893 — that complaint was dismissed; February 27, 1885; March 3, 1885, allowed gambling-houses to exist in his precinct; dismissed complaint; promoted to inspector, August 10, 1887; January 11, 1893, neglected to enforce law against gambling; complaint dismissed. In reading this record we call attention to the serious

nature of the charges and the uniform success of Mr. Williams in securing acquittal. It has been stated in evidence that there is no record of the trial of Captain Williams upon the charges mentioned by the witness last in the chair, and for the purpose of establishing the fact of the trial we produce the papers and minutes of that trial, which we will not offer because they are so bulky. I will merely read the indorsement: Complaint, papers and testimony in case of Captain Williams. Date of complaint, June 28, 1887. Date of trial, July 6, 1887. Complaint by Jules Chatelain. No judgment rendered.

I now read in evidence specification and judgment in the case of Patrick H. Cash of the Thirty-fifth precinct, charged with neglect of duty. Date of complaint, December 2, 1893. Date of judgment, January 2, 1894. Judgment of the commissioners: Fined three days' pay. The specification is: First, that said Patrolman Patrick H. Cash was absent from his post and was leaning on the bar of the Kingsbridge Hotel at Two Hundred and Twenty-fourth street and Kingsbridge road, in the bar-room. I told him he had better go and patrol his post, at 10:05 p. m., December 2, 1893. Second: He went out of the hotel and went about 200 feet south and sat down on the ground with his back leaning against a telegraph pole, from 10:10 until 10:30 p. m. Third: He then went back to the hotel and was in the bar-room leaning against the bar, at 10:35 p. m., during his tour of patrol duty. Complainant, John Pepper.

The judgment of the court was three days' fine.

I will now read in evidence the specification and judgment in the case of Frederick B. Miller. Date of complaint, December 2, 1893. Date of judgment March 27, 1894. Judgment: Dismissed from force.

I read the specification: First. Said patrolman, Frederick B. Miller was absent from his post and was in the bar-room of the Kingsbridge hotel, at Two Hundred and Twenty-fourth street and Kingsbridge road, leaning against the bar. I told him to go and patrol his post, at 10:05 p. m., December 2, 1893. Second. He left the hotel and went about 200 feet south and sat down on the ground with his back leaning against a telegraph pole, from 10:10 to 10:30 p. m. Third. He then went back to the hotel and was in the bar-room leaning against the bar, at 10:35 p. m., during his tour of patrol duty. Complainant, John Pepper, Thirty-fifth precinct.

It does not appear in the testimony attached to either one of these complaints that these officers were together, but the specifications bring them together at the precise moments and at the precise places. One officer was found guilty and fined three days' pay; the other officer was found guilty and dismissed from the force.

The name of William J. Gregory was then announced, but not responded to.

Mr. Moss.—I offer in evidence the judgment in the case of William J. Gregory, of the Seventh precinct. Date of complaint, November 27, 1891. Date of judgment, December 22, 1891. Judgment of the court: three days' fine, \$8.21. I read the specification, which is as follows: Said Patrolman, William J. Gregory, arrested one Samuel Alperwitz, aged 14 years, in the coal office, at 179 Monroe street, at about 1:15 a. m., November 26, 1891, and discharged him on the way to the Seventh precinct station-house, during his tour of patrol. Complainant, John Fitzgerald, sergeant, Seventh precinct. Witness, Samuel Alperwitz, 179 Monroe street.

The case is rested entirely on the testimony of the complainant, Samuel Alperwitz. The officer having been convicted, the testimony must have been taken as true. The testimony in this case, which I hand your honors for your personal investigation, shows the commission of a crime against nature. It appears from the record that William J. Gregory resigned from the force August 19, 1892. The conviction was December 22, 1891. He was permitted to resign more than six months after that conviction. Your Honors will find a transcript of that on page 91 of the volume which you have in your possession.

Bolton Hall, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Forty-six West Nineteenth street.

Q. Are you a lawyer? A. Yes, sir.

Q. May I ask you if you are related to the Rev. John Hall?

A. Yes, sir; I am his son.

Q. Did you have an experience at the Church street station-house, on or about the 12th of May of this year? A. Yes, sir.

Q. Please tell us about it? **A.** I was passing home about half-past 5 and I noticed in front of the station a peddler's cart overturned with a lot of bananas underneath it; I went into the station and remonstrated with the man in charge of the desk; he asked me what my business was, and I told him; then he said, "You haven't got much business now, have you?" I said I was very well satisfied; he said, "What business is it of yours anyhow?" I said I was a citizen and meant to see justice done if I could; then he asked me whether I had been drinking mixed ale or beer; I told him he knew very well I had been drinking nothing at all; he said, "Anyway you are interfering with me; officer, put this man out;" so I made sufficient resistance to show that I was unwilling to go; the doorman assured me that if I did not go out I would be locked up; I had merely inquired why the property in his precinct was neglected in front of the station-house, and to whom it belonged; I think that was the whole of the experience.

Q. Were you put out of the station-house? **A.** I was put out, yes.

Q. By force? **A.** Sufficient force; I intended to have sued the sergeant, so I made the man use sufficient force to make a legal case.

Q. Did you make any complaint to any police official about that experience? **A.** Yes; next morning I sent around to find out what the name of the sergeant was, giving the hour; the officer then in charge of the desk said that he didn't know; I then wrote to the police commissioners stating the whole case and calling attention to the fact that it was manifestly untrue that they did not know who was in charge of the desk at that time; then the sergeant called on me, the man who had ordered me put out, and apologized, and someone was sent down from police headquarters or from the commissioners' office — I don't know which — and upon the fullest apology being made and assurances given me that the man's property had in fact subsequently been taken care of, restored to him, I withdraw the complaint.

Q. Then there was no complaint made by this man's superior officers against him? **A.** I never heard of any.

Q. So far as you know there never was any trial of the officer for his treatment of you? **A.** I understand there was not, but then I requested that there should not be; as far as I know there was not.

Q. Is that officer still on the force, do you know? A. I couldn't say.

Mr. Moss.—That is all, unless the Senators want to ask something.

The Chairman.—That is all, Mr. Hall.

Thomas Mason Knox, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Do you reside at 32 East One Hundred and Twenty-ninth street? A. No. 32 West One Hundred and Twenty-ninth street.

Q. What is your business? A. I am a student in Columbia College, and I am also in real estate.

Q. Did you have an experience with the police quite recently; if so, state the date? A. I imagine you are alluding to the affair we had in Mr. Crimmin's lot; I think it was the 2d of last June.

Q. Will you please to describe that occurrence in your own words, but brief; tell all that there is of it? A. The boys of the sophomore class of the college have a custom of having a cremation at the end of their sophomore year, which entails a torchlight procession through the city; they made an application and received permission to parade in their precinct, but not having received permission to parade up town, they disbanded and went up in groups of five or six to Mr. Crimmin's lot on Sixty-eight street and Avenue A, I think it was, for which they had a permit; there were two policemen there, I believe; we explained our right to go in the lot and told them about a permit, and they said it would be all right; they went in and had their bonfire and were extremely quiet; so much so that the students thought it was quite a slow affair.

Q. It was not up to former years? A. Not by any means.

By Senator Cantor:

Q. Very unsatisfactory then? A. Very unsatisfactory, and I should imagine about quarter past 11, somewhere near 11 o'clock, a squad from the Sixty-seventh street station came down at the end of the lot, and without asking us to disband or saying a word to us; of course the boys didn't move, knowing they had this permit; they charged us with their night clubs;

some of the boys were quite badly hurt; the lot was full of scrap iron and rails, etc., and they fell, and the officers kicked and clubbed them when they were down and when they were up; I was struck by a missile which was thrown by one of them and my hat was knocked off; they were kind enough to allow me to pick it up, but I don't know whether it was in order to get the advantage of me, because I was not quite up by the time I received quite a severe kick from one of the officers; I was clubbed on the shoulders and on the head, but not severely hurt; still sufficiently to be uncomfortable for a day or two; one of the boys fell, and I saw him kicked when he was down and he was unable to get home without assistance.

By Mr. Moss:

Q. Who was that? A. Mr. Valentine.

Q. Where was he hurt? A. On his back and sides; I assisted him part way home, then he took a cab; I spent the rest of the night going around to the newspaper offices, but not immediately; I went down with several of the boys to Sixty-seventh street station; two or three of them were admitted.

By the Chairman:

Q. Admitted to what? A. To the station, Sixty-seventh street station.

By Mr. Moss:

Q. Were the rest barred out? A. Yes, sir; they saw the officer in charge there, and he asked for specific charges for the different men.

Q. That is, he wanted you to name the specific officers or policemen who had hit you? A. The specific policemen who had hit us; it was impossible; it was quite dark; we couldn't see their numbers; there was not time to inquire their numbers; they were very busy all the time making use of their sticks, and, of course, it was impossible to state the special policemen who had struck you.

Q. You mean, struck you; fortunately I have not been struck this far; when it happens I will take care of it? A. I mean, struck the students; they simply said they could do nothing about it; several other men tried to get in; they were not allowed to enter; then the policemen were either ordered, or volunteered, to clear the block, which they did.

Q. You mean to clear the block near the station-house? A. Near the station-house; every man was sent away; then, as I say, I went down to the newspaper offices.

Q. Did you ascertain what policeman had charge of the squad that interrupted your festivities? A. I understood it was a Sergeant Rice.

Q. Have you been present at any proceeding when Mr. Rice admitted that he had charge of the squad? A. No; I have not; several of the boys, a day or two later, I think, went down to police headquarters and lodged a complaint there, and I understand—I was out of town, but I understand the squad were brought down there, the Sixty-seventh street squad, and were questioned; what it amounted to I don't know.

Chairman Lexow.—Strike out what he understood.

Q. How many officers were there in the squad that raided your party? A. I should imagine about 50 or more; I may be making a high estimate on that, but I should think about that.

Q. It appeared to you that there were as many as 50? A. It appeared to me that there were 150.

Q. How many of the boys were there? A. There were about 100, I should think.

Q. Were these all college boys? A. College boys.

Q. Students in Columbia college? A. Yes, and alumni.

Q. Those were the students that the squad of policemen from the Sixty-seventh street office charged with night-sticks? A. Yes, sir.

Q. And kicked? A. Yes, sir.

Q. Has there been any trial at police headquarters, any examination before the commissioners? A. Simply what I said before; it was reported so in the newspapers; I was not present.

Q. You were never examined as a witness? A. I was never examined.

Q. Never asked to appear? A. I was never asked to appear.

Q. Do you know whether Mr. Valentine ever appeared? A. I think so, but I will not swear to it.

Mr. Moss.—Is Mr. Pffer present?

The Chairman.—Is Mr. Pffer present?

(There was no response to the call.)

By Chairman Lexow:

Q. What occurred just immediate to the charge made upon you with the night-sticks? A. Nothing whatever.

Q. Was there any consultation between you and the police, or between the captain of your force and the police? A. Previous to our going into the lot we spoke to the policemen and they said it would be all right; we had a permit.

Q. Did they charge upon you without a word, without any notice, or warning of any kind? A. Without any notice whatever.

Q. Without any conversation? A. Without any conversation whatever.

By Senator Cantor:

Q. You say this was a very quite gathering of students? A. Yes.

Q. It is a very extraordinary thing among college students to have a quiet and peaceful gathering, isn't it? A. Yes, sir.

Q. You were rather surprised at it? A. Yes, sir.

Q. And the police officers charged upon you because you were so quiet? A. I don't know why they charged on us.

By Mr. Moss:

Q. It is not so quiet when they beat a tattoo on you? A. No, sir.

By Senator Cantor:

Q. There had been a conflict between the Columbia college students and the police in the past, had there not? A. I believe so a week before they were ordered out of the grounds; then they were not so quiet.

Q. They were not so quiet then? A. Not by any means.

Mr. Moss.—Is Officer Bernard Dunn present?

(No response to the call.)

Thomas Lucas, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Seventy-one King street.

Q. What is your business? A. Truckman and rigger.

Q. Have you recently had any experience with the police?
A. Yes, sir.

Q. What is the matter with your face? A. I was to the doctor twice, to the hospital.

Q. How does your face come into that condition? A. Through policemen's club.

Q. When? A. Sunday night.

Q. Are you a product of an artist with a club; is that the idea? A. Well, it is a club done it.

Q. What officer clubbed you? A. From MacDougal street; I think his name is Mr. Dunn.

Q. When were you arraigned in court? A. Monday morning.

Q. Monday of this week? A. Yes, sir.

Q. What was the charge against you? A. Taking an excise prisoner from a policeman; trying to take an excise prisoner.

Q. The charge was that you interfered with an officer who was arresting a violator of the Excise law? A. Yes, sir.

Q. You have been held for trial on that charge, have you not? A. Yes, sir.

Q. Are you under bail now? A. I expect it up there pretty soon.

Q. Then you are produced by the warden of the Jefferson Market prison? A. Yes, sir.

Q. You are waiting for bail? A. Yes, sir.

Mr. Moss.—I suppose it would hardly be proper to ask this man whether the charge against him is right or wrong.

Chairman Lexow.—Why not?

Mr. Moss.—Very well then, I will ask him about that as a matter of judicial inquiry.

Q. Tell us all about it? A. I came from Grime's picnic about a month ago; I came down with a side-partner of mine; I had some money in my pocket; I was just after changing a five dollar bill; I had four dollars in a vest pocket, and the rest in another pocket; I sat down in a doorstep, me and my friend, and a policeman came and tried to shake me up, corner of Hudson and Watt.

Q. You mean he woke you up? A. Woke me up; he couldn't wake me up, and he left me sleep there; when I did wake up I got over the corner of Canal and Watt, and three of them were laughing; I lost the \$1; I asked the policeman did he find out anything about it, and he said no; he gave me a kind of a funny answer; then I saw this other policeman, the side-partner —

By Senator Bradley:

Q. What was the funny remark; what did the policeman say to you? A. He told me to go away or he would put me away; he said to go home; I had no place there.

Q. That was not very funny? A. I forget what he said; I guess he put a little more in it.

By Mr. Moss:

Q. Only tell what you know? A. Then Sunday night I was going up toward Spring street, and I met this side-partner of a policeman coming up with a fellow; I didn't know exactly he was a prisoner; he didn't have hold of him; I asked him, "Did you find out anything about those \$4 I was robbed of?" with that, he must have got angry, and he came back and hit me in the face.

Q. What did he hit you with? A. I think it was either his fist or his club.

Q. You don't know? A. I don't exactly know; the next blow I got was with a club, and that stunned me, and I fell in the gutter, and he beat me in the gutter unmercifully on the head and on the face; a young man, Mr. McHugh, he asked the policeman to stop; I said, "For God's sake don't kill me altogether;" and when this man heard that he asked the policeman to stop; he didn't seem to stop; just as he was bending over and trying to lift the policeman off me, lift me up, this other policeman in citizen's clothes jumps on him and locks us up; then when I got in the station-house with the blood running down my neck; I had to put one shirt away; here is one of them (exhibiting the shirt); there was one of them inside called me a pretty tough name, and he made for me inside.

By Senator Bradley:

Q. What did he call you? A. He called me a son-of-a-bitch; there the blood was running down by pailfuls out of my head, but the sergeant came and sewed it up.

Q. Do you mean to say that another officer struck you while you were in the station-house? A. He did, and I made a run for the sergeant; he had to come out; only for that I guess they would have killed me altogether.

By Mr. Moss:

Q. Was anybody arrested before you were struck by the policeman; do you understand the question? A. Yes, sir.

Q. Did he arrest anyone before he struck you? A. I don't know that.

Q. You don't know whether he did or not? A. No, sir.

Q. Did you interfere with his arresting anybody? A. I didn't know he had a prisoner.

Q. So this is all news to you that he had a prisoner and that you interfered? A. That is now; I never interfered with any policeman; this is my first offense; I have been working 14 years for the one boss.

Q. Do you think you have committed an offense by running up against a club? A. No; I think if I asked a question he ought to give a civil answer.

Q. Do you think it was an offense to ask a policeman about money that you lost? A. I think I ought to ask if he had any clew to it.

Q. It is an object lesson; how is your head hurt; what is the matter with the top of your head? A. It is all cut up, all marked; it is sewed; the doctor took the stitches out this morning.

By Senator Bradley:

Q. How many stitches did he put in your head? A. I guess he put in eight or nine.

By Mr. Moss:

Q. The statement I have is 27? A. I don't know exactly how many, but I know he took a good many out; the doctor can tell you that.

Q. Was that officer a large man or a small man? A. A large man, clean-faced young fellow.

By Chairman Lexow:

Q. Have you ever been arrested before? A. I was for intoxication, once for doing a little damage with a truck.

By Mr. Moss:

Q. You ran into something, did you? A. Yes, sir.

By Chairman Lexow:

Q. Have you ever been charged with the commission of crime? A. No, sir; never was behind the bars, any more than the part of a night.

Q. You mean those two offenses you spoke of? A. Yes, sir.

Q. One for being intoxicated and the other for doing damage with a truck? A. Yes, sir.

Q. Did you ever have any altercations or words with this particular officer before who struck you? A. No, sir.

Q. Do you know him? A. Only by sight.

Q. Was that the same person, same officer, that shook you, tried to wake you up? A. No.

Q. Were you employed for 14 years with the same concern? A. Yes, sir; Devlin & Co., 46 Forsyth street.

Q. Have you been engaged in trucking for many years? A. Trucking and rigging and the like of that.

Q. How long have you been a truckman? A. Since I was 12 years old.

Q. And are to-day, or will be when you get out? A. Yes, sir.

Q. And during all that time you only had one complaint or charge made against you with reference to your trucking? A. That is all.

Q. And no other charge except one charge of intoxication? A. That is all; no crime at all.

Q. Are you a family man? A. No, sir; I support a brother and mother.

By Senator Bradley:

Q. How long were you kept in prison from the time you were arrested for being intoxicated? A. I was not in prison at all; I was only in the cell in the station-house until next morning; I was discharged then.

Q. By the judge? A. Discharged by the judge.

Q. I thought the law compelled the judges now to fine at least one dollar? A. I don't know they didn't fine me.

By Mr. Moss:

Q. Do your honors desire to hear this man who was with the witness or shall we take his time for another one?

Chairman Lexow.—It does not seem to be necessary to corroborate that because even if a man is guilty of a crime he

ought not to be punished that way. Unless a man is a brute or a fiend in human shape he ought not to use his club that way.

Mr. Moss.—Is Mr. McNish present? (No response.)

Mr. Moss.—Is Walter H. Richards present? (No response.)

William McLachlan, a witness called by the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. One hundred and forty-one East Thirteenth street.

Q. You had an experience with the police about the 20th of May, of this year, didn't you? A. I believe I did, sir.

Q. Get right down to it, and tell us of it as quickly as you can? A. I am under indictment for this; I have got to come to trial yet, and I don't wish to hurt myself on the trial unless I am given the protection of this court.

Q. You mean to say that the officer who assaulted you made a charge against you on which there is an indictment pending? A. Yes, sir.

Senator Cantor.—I think you should be entitled to the protection of counsel.

The Witness.—I have no counsel; I lost my position and everything through it, and I haven't worked since.

Mr. Moss.—I am sorry, but, I think, under the circumstances, we should excuse this witness, for there have been witnesses who have been seriously injured by testifying.

The Witness.—If you will read that paper I gave you, you will see that he did the same with another party.

Q. The same officer? A. The same officer.

Q. You mean, made a complaint in connection with a clubbing matter? A. A lady who made a charge against him at police headquarters for another offense.

Mr. Moss.—You may be excused, Mr. Lachlan; we won't allow you to hurt your own case, and I hope it may be noted by all hands interested, that this man declines to testify against this officer.

The Witness.—I do not decline to testify.

Mr. Moss.—I mean so that you may have the benefit of being saved from persecution.

Officer Richard S. Meany, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. The Twenty-fifth.

Q. How long have you been on the force? A. Three years.

Q. Whereabouts is the station-house of the Twenty-fifth precinct? A. Sixty-seventh street, between Third and Lexington avenues.

Q. Were you in the party of officers that charged upon the Columbia college students? A. Yes, sir.

Q. You were in that party? A. Yes, sir.

Q. Did you have your night-stick that night? A. No, sir.

Q. What did you have? A. A billy.

Q. Did you club anybody? A. No, sir.

Q. Didn't hurt anyone at all? A. No, sir.

Q. Did you touch anybody? A. No, sir.

Q. Did you see anybody that was touched? A. No, sir; I didn't go into the inclosure at all; I stayed on the sidewalk.

Q. Who has charge of the squad? A. Roundsman Rice.

Q. Can you name any other officers who were in that squad? A. Our whole section was there.

Q. How many? A. Twenty-four, I guess.

Senator Bradley.—Twenty-four officers and 24 sticks?

Q. Except one billy? A. They were all "billys;" we were not allowed to go out with the night-sticks.

Q. It was in the night time, wasn't it? A. Yes, sir.

Q. Don't you always carry night-sticks at night? A. No, sir; never; not now.

Q. Are they entirely abolished? A. Except in case of riot.

Q. How many complaints have you against you? A. I had a good many this year; I have no account of them.

Q. Have you had any since the 3d of April? A. Yes.

Q. How many since the 3d of April? A. I think I have had five; I ain't sure.

Q. Five since the 3d of April? A. I think five; I wouldn't swear to it.

Q. Do you know how many complaints there have been altogether? A. I have no record of them; I have the records of them home; I don't remember.

Q. I have the official record of Officer Meehan before me, which shows 15 complaints up to and including April 3d; from

December 8, 1891; he was appointed November 11, 1891, and the first complaint was December 8, 1891; in these cases he was discharged; complaints were dismissed in two cases only; what has been the nature of the cases since the 3d of April?
A. I have had conversation, at not properly relieving; that is, coming in a half an hour late after roll-call.

Q. Was there any for assaulting citizens? **A.** No, sir.

Q. Nothing but disciplinary offenses? **A.** That is all, sir.

Q. What has been your habit upon the trial of your cases; have you always admitted your guilt? **A.** Always admitted, except in one case, and I was justified in defending it because the charge was wrong; I had two witnesses to verify it.

Q. Which case was that? **A.** Where I was charged with assaulting a citizen on the Boulevard.

Q. Was that the case of John Strohneidel? **A.** Yes, sir.

Q. You say you did deny the charge there? **A.** Yes, sir.

Q. When were you charged with assaulting John Strohneidel?
A. It was in February or March.

Q. Do you remember the judgment of the commissioners? **A.** Three days' pay.

Q. How much was that? **A.** About \$9 or \$10.

Q. Nine dollars and eighty-six cents appears on the envelope; now, let me read the specifications of the charge against you:

"First. Said Patrolman Richard S. Meaney did, on Wednesday, January 10, 1894, at about 4 o'clock in the afternoon, forcibly enter the private apartments of one John Strohneidel at No. 1424 Avenue A, and without warrant of law and against the protests of said Strohneidel.

"Second, Said Patrolman Richard S. Meaney did, on Wednesday, January 10, 1894, at about 4 o'clock in the afternoon, in the apartments of John Strohneidel, at No. 1424 Avenue A, strike said Strohneidel several blows on the head and face with his fist and made use of vile and indecent language to him."

The judgment of the court is here, which adjudges that the charge is true; do you remember the testimony of the complainant in that case? **A.** Yes, sir.

Q. Did the complainant testify that you called on him with two men to demand money for some furniture bought by him on the installment plan? **A.** Yes, sir.

Q. Did he say that the men went in a room and you stayed outside? **A.** Yes, sir.

Q. Did he testify that those men demanded the furniture and that he refused to deliver it, and that they called you in from the hall? A. Yes, sir.

Q. Then did he say that he protested and tried to close the door, but that you pushed him and knocked out the glass? A. Yes, sir.

Q. Did he testify that you pushed his wife and struck him on the head several times? A. No, sir; I don't remember that.

Q. Did he testify that he went to the window, opened it, and called for assistance? A. Yes, sir.

Q. Did he testify that you followed him through the rooms and struck him? A. Yes, sir.

Q. Did he testify that while he laid out of the window calling for help that you kept punching him in the head? A. Yes, sir!

Q. Did he testify that the men didn't take the furniture after all that? A. Yes, sir.

Q. Did he testify that he asked you what you licked him for? I don't remember that.

Q. Did he testify that you said "I am a policeman; I have a right to kill you if I want to?" A. I don't remember that.

Q. You don't remember whether he testified to that or not? A. No, sir.

Q. Did he testify that you wanted to punch several other people? A. I don't remember whether he said that either; he might have, but I don't remember.

Q. Did he testify that he assaulted him because of a personal insult.

Senator Cantor.—Why would it not be better to put the whole record in?

Chairman Lexow.—This is not testimony.

Mr. Moss.—Not at all. The purpose of this branch of the testimony is this: Whether these officers are guilty or not, not charging against Mr. Meaney, but whether they are guilty or not. The commissioners have said that they are guilty. The commissioners have said that they are guilty upon the testimony which the complainant has adduced. The commissioners, finding that the testimony was true and convicting the officer, fined him three days' pay.

Senator Cantor.—They may find him guilty without the specification. They are not bound by the specification.

Mr. Moss.—Pardon me, Senator. The record is here which in so many words adjudges that the charges are true, and the specification is made a part of the charge.

Senator Cantor.—But do you not recollect the testimony of Mr. McClave, that sometimes the commissioners when they find a verdict of guilty upon the evidence, at the same time do not state exactly upon what charge that judgment is founded. The specification may be of a serious offense, but at the same time, the commissioners may think that the officers are guilty of a minor offense and may award a very much smaller punishment. I suggest, if these officers are going to be tried, if you are going to produce the record it is one thing; but it is hardly fair to put in the evidence against them without putting on record the evidence in their favor. It is not fair. Where you are going to produce the testimony of the complainant it is simply but fair to the witness inasmuch as he has been on trial and the commissioners have determined on the evidence what punishment should be awarded, that the whole record should go in, and that this witness or any other witness should not be misjudged by the questions that are asked.

Mr. Moss.—Let me say this: The commissioner who gave that testimony is the same commissioner who, from the record offered yesterday, adjudged a man not guilty of a certain thing when he confessed that he was guilty.

Senator Cantor.—We had a case in the General Sessions yesterday where the jury could not agree after the prisoner had pleaded guilty to the charge.

Chairman Lexow.—It would seem to me to cover the whole point in this case, if the learned Senator will specify any part of those specifications under which this man was found guilty of a charge that would justify the police commissioners in fining him three days' pay. An assault upon a citizen and almost felonious entry into a citizen's house are the charges that are made; now, if any one of those charges entitle the police commissioners to fine him three days' pay, I think the whole record ought to go in.

Senator Cantor.—I do not know what record is here, but I do protest, in all fairness, and in all justice, that the testimony of the complainant ought not to be admitted alone, and this witness not be given an opportunity of making a defense; if the learned counsel is going to assume that the testimony of the

complainants, on all these trials, is true, that is one thing; but, if he is going to assume that there was a regular trial and that the commissioners acted on the evidence, that is another thing; in other words, if it is for the purpose of persecuting every police officer against whom charges are made, that is one thing; but of you are going to be fair with the police force of New York, that is another thing. I do not know whether this charge is true or not. It may be true, so far as I know, but I am only able to say, in common fairness and justice to these men, that evidence on both sides ought to come in, and then let the people determine whether the police commissioners or not acted properly.

The Chairman.—On the contrary, it is for the Senate committee to determine. The criticisms passed by the Senator are entirely without point, for the reason that, without any objection having been made by the Senator, that this was not to be considered as testimony.

Senator Cantor.—It goes on the record just the same, and it is unfair to a public officer that that should be done, unless his defense goes in with it. There has been a great deal of that going on with the committee.

The Chairman.—The committee have already passed upon that subject. They will permit counsel to introduce the record of the conviction, together with the specifications, as indicating upon the face of the papers what the charge was, and also what the sentence of the court was.

Senator Cantor.—May counsel go on examining what the complaining witness testified to?

Chairman Lexow.—The chairman has already ruled that that is no testimony.

Mr. Moss.—Permit me to read in evidence the first part of the specification: "I hereby charge Patrolman Richard S. Meaney, of the Twenty-fifth precinct with conduct unbecoming an officer; in this, to wit:" Then follow the specifications which I have alleged. The judgment in the case adjudges that the charges are true.

Senator Cantor.—Is that not sufficient without the testimony of this witness?

Mr. Moss.—The purpose of the evidence is to show that when the commissioners have adjudged him guilty of those specifications upon the testimony which is adduced, and which I am

perfectly willing to hand to any Senator who desires to use it, the board of police commissioners, taking the testimony with all that is in it as true, fine him only three days' pay. Now I proceed to ask the officer:

“Q. Were you ever put on trial in a criminal court for this offense? A. No, sir.

“Q. Did you ever do a day's time for this assault? A. No, sir.”

Q. I read from the testimony of the complainant at page 5 as follows—

The Chairman.—The same objection is made to that, Mr. Moss, and it does not seem to me to be quite fair to those who are charged here, to have matters of that kind published without giving them an opportunity to contradict it; we want to be fair to the force just as much as the gentleman who is about to receive a Congressional nomination from one of the districts of this city.

Q. Have any charges for perjury been preferred against you? A. No, sir.

Q. Has anyone questioned you for your testimony upon that trial with regard to its truth or untruth—superior officer, I mean? A. No, sir.

Mr. Moss.—That is all.

Witness.—I would like to make a slight explanation, if I would be allowed.

Chairman Lexow.—That testimony with reference to the complainant's testimony against you is stricken out.

Officer Edwin V. Luman, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your precinct?

Chairman Lexow.—I would suggest putting in the conviction and specification and asking any other questions material, but not going into the testimony.

Mr. Moss.—I, of course, do not wish to address you upon any subject that may have been widely determined upon; but it seems to me that the circumstances which were present in the minds of these commissioners when they rendered this judgment, the circumstances in this testimony which they must

have believed to have rendered the judgment, is a matter which should be considered on the question of the appearance of their judgment as to its right or wrong to the case.

Chairman Lexow.—That is right.

Mr. Moss.—And that is why I think it would be wise occasionally to introduce some portions of the evidence given by the complainants which the commissioners must have taken as true, which gave the coloring that the commissioners had in mind when they rendered their judgment. The specification is a mere legal statement of the offense. The specification will say, for instance, that he used profane language. Now, profane language might be limited to a single deed, or it might be strung out into the usual police oath. A single deed may be forgiven most men, but the expressions which fall from the lips of these officers, as appears upon the record, is a different thing, and the fact that this is continuous, and that it is winked at by the imposition of very small fines, is a circumstance that ought to appeal to this committee. The specification will not go into the detail of language or action. It may say that an officer violently clubbed a citizen, but it won't say that he broke his jaw. I have a case in mind now of a policeman who threw his club at several little boys that were playing on the sidewalk. The club struck one boy on the jaw and broke it. Upon the trial the commissioner asked the boy: What is the matter with your face. The boy replied, "That is where the officer struck me. He threw his club at me." Then the commissioner turned and lectured the officer, saying, "You are a brute. You have no business to be on the force," or words to that effect. The result was only a small fine. That case would not be sufficiently understood by the committee by simply taking the specification that that officer threw his club at the boy.

Chairman Lexow.—But it does not seem to be quite fair to put an officer on the stand here and get him to swear to the testimony of a complainant against him in a case of that kind. You can put the whole record in evidence, or a portion of the record in evidence; or you can put the statement of the commissioner in evidence. But to put simply the story of the complainant in the officer's own mouth seems to be going too far.

Mr. Moss.—I will agree to that most willingly. If I may read from the minutes of the trial I am quite satisfied.

Q. How many convictions are there at police headquarters against you for assaulting citizens? A. I believe there are two.

Q. Are you sure? A. Yes, sir.

Mr. Moss.—I offer in evidence the judgment-roll in the case of Edwin V. Luman. Date of complaint, July 6, 1892. Judgment, September 8, 1893, nearly a year afterwards; fined three days' pay. I will read the specification:

"I hereby charge Patrolman Edwin V. Luman, of the Eighteenth precinct with conduct unbecoming an officer, in this, to wit:

First. That the said Patrolman Edwin V. Luman did, on Monday, July 3, 1893, at about 8:30 p. m., at the corner of Seventeenth street and First avenue, grab by the collar one Edwin C. Murtha, and began pulling him down Seventeenth street, falsely charging him with having insulted a young woman.

Second. That the said Patrolman, Edwin V. Luman did, at about 8:40 p. m., same date, on Seventeenth street, violently push said Murtha and struck him in the eye with his fist, knock his hat off, kicked and broke it, and used violent threatening language to said Murtha. Complainant, Edwin C. Murtha.

THOMAS BYRNES,
Superintendent.

The judgment adjudges that the charge is true.

Q. Did you arrest the individual mentioned, Edwin C. Murtha? A. No, sir; not at the time.

By Chairman Lexow:

Q. Did you ever arrest him? A. No, sir.

By Mr. Moss:

Q. Did you deny his charge upon oath at police headquarters?

A. I denied having struck him; yes, sir.

Q. And you were convicted, notwithstanding your denial?

A. Yes, sir.

Q. Did any superior officer ever speak to you about having denied the charge under oath after you were convicted? A. No, sir.

Q. Were you ever arraigned in a criminal court for this assault? A. No, sir.

Q. Never received any punishment whatever, outside of the conviction and penalty of three days' fine? A. No, sir.

Q. That was \$8.21? A. I can not exactly say what it was.

Q. It appears on the face of the envelope, \$8.21.

Senator Cantor.—I suppose the judgment was rendered unanimously by the board.

Mr. Moss.—They all appear to be so.

By Chairman Lexow:

Q. Is there a general impression prevailing among the members of the force that if they can assault a citizen, they will only be fined from 10 to 30 days' pay? A. No, sir; I don't believe an officer on the force would assault a citizen unless he had some provocation for it.

Q. That is not the question; is there a general impression prevailing among the members of the force that if they do assault a citizen, all the damage that will come to them will be a fine of from 10 to 30 days' pay? A. I couldn't say as to that.

Q. Is that the opinion you have? A. No, sir; I have no such impression.

Q. Have you got an impression, or have the members of the force, to your knowledge, got an impression, that any act unbecoming an officer would be fined, but not punished in any other way? A. No, sir.

By Mr. Moss:

Q. Were you, on the 29th day of December, 1893, fined 15 days' pay upon a charge that you assaulted John McGlone? A. Yes, sir.

Q. I read the specification:

"I hereby charge Edwin V. Luman, of the Eighteenth precinct, with conduct unbecoming an officer. Specifications: In this, to-wit:

"First. Said Patrolman Edwin V. Luman did, on September 18, 1893, at about 12:30 a. m., strike one John McGlone with his baton on the head and also kicked him, and addressed vile and threatening and indecent language to him.

"Second. Said Patrolman Edwin V. Luman placed one John McGlone under arrest on a false charge and caused him to be confined from September 18 until October 13, 1893.

"Signed by THOMAS BYRNES,

"Superintendent."

That is the charge upon which you were convicted? A. Yes, sir.

Q. Did you deny that upon oath? A. I denied it; yes, sir.

By Chairman Lexow:

Q. Do you know, officer, whether you were convicted under the first or the second specification? A. I couldn't exactly say.

Q. Were you not told that you were found guilty under the one or the other? A. No, sir; I couldn't exactly say what specification it was.

Mr. Moss.—They are always on the whole charge, the charge and specifications. I have found but one case where an officer was found guilty upon one charge and not upon all. There was one case where an officer was accused of burglary, and there was another issue and he was found guilty, not of the burglary, but the other issue.

By Mr. Moss:

Q. I show you this photograph which I find among the papers; do you identify that? A. Yes, sir.

Q. Is that John McGlone? A. No; that is Edwin V. Luhman.

Q. That was part of your evidence? A. Yes, sir.

By Chairman Lexow:

Q. Did you get an impression from the verdict or the judgment that was rendered by the commissioners that if you made a false charge against a citizen you would only be fined 10 days' pay? A. No, sir; a false charge was made against me.

Q. But after that verdict, that judgment was rendered, did you believe that from that you might falsely charge a citizen, and that all the judgment or punishment that would be rendered against you would be 15 days' pay? A. No, sir; I couldn't say as to that.

Q. Did you think about it? A. Never gave it a thought.

By Mr. Goss:

Q. You said you were convicted only twice for assaulting citizens? A. Yes, sir.

Q. Do you remember being convicted for assaulting Thomas McGowan? A. Yes.

Q. That makes the third case? A. Yes, sir.

Q. You are now on the force — A. I thought that was joint charge then.

Q. The fact is that you are still on the force although you have been convicted three times of assaulting citizens? A. Yes, sir.

Q. I read the charge in the third case: "I hereby charge Patrolman Edwin V. Luhman, of the Eighteenth precinct, with conduct unbecoming an officer."

"Specifications in this, to wit:

"First. Said Patrolman Edwin V. Luhman, while in full uniform was in the liquor saloon on the northeast corner of Twenty-fifth street and Second avenue, on September 18, 1893 from at about 12:30 a. m.

"Second. Said Patrolman Edwin V. Luhman did, on September 18, 1893, at about 12:30 a. m., in the liquor saloon northeast corner of Twenty-fifth street and Second avenue, address vile, indecent and threatening language to one Thomas McGown, because said McGown refused to treat the said officer.

"Third. Said Patrolman William V. Luhman, on September 18, 1893, at about 12:30 a. m., on the sidewalk in front of liquor saloon northeast corner of Twenty-fifth street and Second avenue, addressed vile and indecent language to one Thomas McGown, struck him on the face with his fist, and with his baton, knocking him to the street, dislocating his shoulder and inflicting other severer injuries.

"Complainant, Thomas McGown. Thomas Byrnes, superintendent."

Q. The judgment was that the charges were true; for that how much was it that you were fined? A. I believe that was also 15 days.

Q. Forty-one dollars and nine cents upon the papers it appears? A. Yes, sir.

Q. Did you, in that case, also testify under oath, that you were not guilty? A. Not guilty; yes, sir.

Q. No one has made any criticism — I mean no superior officer — of your testimony, as to its untruthfulness in those three cases? A. There might have been some.

Q. You never have heard of it? A. Yes, sir; there was some criticism.

Q. Who made it? A. I couldn't exactly say his name.

Q. Any of the commissioners? A. No, sir; some district attorney.

Q. Not a policeman? A. No, sir.

Q. Have you been reprimanded for untruthfulness, or anything like it? **A.** No, sir.

Q. Do you know of any officer who has testified upon oath, of course, in denial of charges against him, who has been brought to task for it by the police commissioners? **A.** No, sir.

Q. Is it not a common thing for officers when on trial at police headquarters to deny the charge under oath? **A.** I don't know about it; no, sir.

Q. You don't know? **A.** No, sir.

Officer, William McHugh, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your precinct? **A.** Thirty-fifth.

Q. How many times have you been tried at police headquarters? **A.** I don't know the exact number of times.

Q. I may state from the record that it was 10 times; does that agree with your recollection? **A.** Somewheres about eight or nine, I thought, I am not certain.

Q. Twice the complaint has been dismissed? **A.** I believe so, sir.

Q. Other times you have been found guilty? **A.** Yes, sir.

Q. Did you at all times deny the charge on oath? **A.** No, sir.

Q. How often did you deny on oath? **A.** As often as I thought I was innocent.

Q. How often? **A.** About seven times; I wouldn't be certain.

Q. Are you the officer who was convicted on August 12, 1891, of subjecting a woman to rough and violent treatment and assaulting her husband with a club? **A.** Yes, sir.

Mr. Moss.—I will read the charge:

"I hereby charge Patrolman William McHugh, of the Thirty-fifth precinct, with neglect of duty and conduct unbecoming an officer.

"Specifications. In this, to wit:

"First. That the said Patrolman William McHugh did, while on patrol duty on January 25, 1891, at about 9 o'clock p. m., leave his post and enter a dwelling-house at Spuyten Duyvil, near the Hudson River Railroad depot, where he remained until two hours drinking beer.

"Second. That the said Patrolman William McHugh did, at or about 11 o'clock on the evening of January 25, 1891, in a hallway

of said dwelling at Spuyten Duyvil, in a rough and violent manner, take hold of Mary Potchatko; crowded her against the wall and made every effort to overcome her.

"Third. That the said Patrolman William McHugh did, at the time and place above mentioned, when remonstrated with by the husband of said Mary Potchatko, strike him twice with his club. Complainant, Mary Potchatko.

"THOMAS BYRNES,

"Chief Inspector.

"Judgment, August 12, 1891.

"Present, John McClave, John R. Voorhis, James J. Martin commissioners.

"Now, therefore, resolved, declared and ordered that the said charges are true and that the said William McHugh be and he hereby is fined 15 days' pay — \$49.31.

Q. Where you ever tried in a criminal court upon this charge? A. No, sir.

Q. Did you deny this charge? A. Yes, sir.

Q. On oath? A. Yes, sir.

Q. How long ago is that? A. That was in 1891, I believe.

Q. And you have been on the force ever since? A. Yes, sir.

Q. Were you ever suspended? A. No, sir.

Q. Weren't you suspended from duty while this complaint was pending? A. No, sir.

By Chairman Lexow:

Q. Is there an impression among the members of the force that they can commit any crime and the punishment will be forfeiture of pay? A. No, sir; I never felt that way.

Q. This was a pretty serious charge, wasn't it? A. Yes, sir; the charge was untrue.

Q. Did you regard it as serious? A. I did; yes, sir; one of the most serious of my life.

Q. Did you consider the 15 days' pay a proper and adequate punishment for the crime which you committed, as charged in the specification? A. I thought it was wrong; I thought it was an injustice.

Q. You had an opportunity to present your side of the case, didn't you? A. I did, sir; partly so; some of my witnesses couldn't get.

Q. How do you account for a conviction which you think is unjust; haven't you any way in your own mind by which you

can account for it? A. I am not in a position to judge the action of my superiors.

Q. Have you an impression in your mind that judgment was reached by any unfair means? A. No, sir; I have no reason to know or understand in what manner the police commissioners come to any decision.

Q. Has any information come to you which in any way will account for this judgment? A. No, sir.

Q. You don't want, then, to be understood as charging that they were unfair with you; I mean, improperly considering or treating your case? A. I don't understand that question thoroughly.

Q. Do you mean to say that they improperly or unfairly treated your case? A. I don't say that they did, but I feel that there was an injustice done me in fining me.

Q. I wanted to give you an opportunity to say anything which might shed any light you could on the way in which this judgment was obtained; have you heard from brother officers who have been convicted of offenses, and who have felt that their convictions were unjust, anything which indicated unfair or improper treatment of their cases? A. I have never spoken to any officers on that subject.

Mr. Moss.—I offer in evidence a judgment-roll in the case of Henry F. Jacobi. Date of complaint, January 18, 1894. Judgment, April 13, 1894. The specification is this:

"I hereby charge Patrolman Henry F. Jacobi, of the Twentieth precinct, with violation of the rules. Specifications: In this, to-wit:

"First. Said Patrolman Henry F. Jacobi, at about 9 o'clock, p. m., January 4, 1894, during his tour of patrol from 6 p. m. until 12, midnight, applied to a druggist for medicine to be used by himself, such medicine not having been prescribed by a police surgeon in writing; this in violation of rule 516 of the Manual.

"Second. Said Patrolman Henry F. Jacobi, on January 4, 1894, during his tour of patrol from 6 p. m. until 12, midnight, applied to a druggist at 313 Tenth avenue for medicine to be used by himself, such medicine not having been prescribed by a police surgeon in writing; this in violation of rule 516 of the Manual.

"THOMAS BYRNES,

"Superintendent."

For that offense Mr. Jacobi was fined 30 days' pay, \$98.62.

I read in evidence judgment against Isaac H. Weiner. Date of complaint, November 20, 1893. Date of judgment, December 8, 1893. Judgment one days' pay. He was fined one days' pay and the specification is:

"I hereby charge Patrolman Isaac H. Weiner, of the Thirteenth precinct, with neglect of duty.

"Specifications. In this, to wit:

"Said Patrolman Isaac H. Weiner failed to report a dead cat in front of No. 376 East Tenth street, during his tour of patrol duty from 1 until 6 p. m., November 19, 1893."

I also read in evidence the judgment in the case of James Conklin. Date of complaint, June 23, 1890. Judgment, July 24, 1891. Dismissed from the force.

The specification is as follows:

"I hereby charge Patrolman James Conklin of the Ninth precinct with neglect of duty.

"Specifications. Is this, to wit:

"Said Patrolman James Conklin was absent from the 6 p. m. roll-call, June 22, 1891, and did not report for duty until 8:12 a. m., June 23, 1891, this during his tour of patrol duty."

His absence was from the 6 o'clock roll-call, June 22, 1891, 6 p. m., and he reported at 8:12 the next morning and was dismissed from the force for his absence.

I also read judgment-roll in the case of Henry Rosenthal. Date of complaint, July 25, 1891. Judgment, November 27, 1891. Fine 20 days' pay. The specification is:

"Said Patrolman Henry Rosenthal did, on the 25th day of June, 1891, make the false statement that Patrolman Michael McCallion, of the Eighteenth precinct, had broken his arm while skylarking with him, the said Henry Rosenthal at Long Island City, on June 20, 1891."

I call attention to this: That upon a false statement to a superior officer that an injury to a brother officer had come through some skylarking in Long Island City, the man was fined 20 days' pay. Your honors will remember the testimony of witnesses who have testified upon oath before the police commissioners and whose testimony has been adjudicated to be false over and over again.

Officer William G. Neeley, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your precinct? A. The Eighth.

Q. How many times have you been tried at police headquarters; the record says 20 times? A. I couldn't say for certain.

Q. You don't know that, do you; it appears that on only one of those occasions was the complaint dismissed; was that right? A. I believe so, sir.

Q. Have you usually denied the charge on oath? A. Not in all cases.

Q. Were you ever found fault with for such denials? A. In what way?

Q. By any superior officer? A. Do you mean on post?

Q. Any superior officer; did any superior officer ever find fault with you in any way for your denials on oath in these cases? A. Do you mean in making the complaint against me?

Q. Were you charged with perjury by anybody? A. No, sir.

Q. Were you charged before the commissioners with false swearing? A. No, sir.

Q. Or for false statements? A. No, sir.

Q. You never were fined 20 days' pay for false swearing? A. No, sir.

Q. I read a specification, where judgment was rendered August 12, 1891:

"I hereby charge Patrolman William G. Neeley, of the Twenty-third precinct, with conduct unbecoming an officer.

"Specifications. In this, to-wit:

"First. Said Patrolman William G. Neeley did, at or about 3:15 p. m., March 6, 1891, enter the apartments, No. 947 Ninth avenue, and there make improper proposals to one Mary Jones, and when ordered to leave the room, refused to do so, and acted in a disorderly manner, so much so, that the said Mary Jones was obliged to call in Patrolman Michael L. Kear, of the Twenty-second precinct, for protection.

"Second. Said Patrolman William G. Neeley, at the aforesaid time and place, did resist arrest and use threatening and abusive language to Patrolman Michael L. Kear.

"Third. When brought to the Twenty-second precinct station-house, under arrest, acted in a boisterous and unofficer-like manner."

The judgment of the court was rendered August 12, 1891, and imposed a fine of 20 days' pay, \$65.75. The judgment which I have in my hand adjudges that the charges are true.

Q. Were you ever put on trial in a criminal court upon this charge? A. No, sir.

* Q. Did any of your superior officers attempt to put you on trial? A. No, sir.

Mr. Moss.—Is John O'Connor present?

(No response.)

Mr. Moss.—I will read the judgment-roll in the case of John O'Connor, of the Eighteenth precinct. Date of complaint, June 6, 1892. Judgment, July 15, 1892. Fined 10 days' pay, \$32.87. I will read the charge:

"I hereby charge Patrolman John O'Connor, of the Eighteenth precinct with conduct unbecoming an officer.

"Specifications. In this to-wit:

That the said Patrolman John O'Connor, did, on Wednesday, June 1, 1892, at about 3 o'clock a. m., on the northeast corner of Twentieth street and Third avenue, forcibly drag one Sarah Morton about 30 feet; tore the sleeve of her jacket; pinched and turned her arm; struck her several blows on the body and face with his fist, causing the blood to flow, and continued to abuse and beat her until a stranger came along."

He is adjudged guilty of the charge and fined 10 days' pay. The officer is still on the force.

Officer John H. Hurley, a witness called by the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your precinct? A. Twenty-third precinct.

Q. You have twice been convicted of assaulting citizens, have you not? A. I believe so.

Q. There are 13 charges against you upon the record; is that so? A. I don't remember.

Q. Do you say it is not true? A. It might be true.

Q. Is your recollection about 13 cases? A. About 13.

Q. Were you ever acquitted? A. Yes, sir.

Q. I see why my question does not meet your views; there are two new complaints against you since the 13th of April when this record was made up; so it makes 15; is that right? A. Thirteen in all, I believe is right.

Q. Fifteen in all; you have never been acquitted, have you? A. No, sir.

Q. Then you have been convicted of assaulting citizens. and there are two new complaints pending against you of assaulting citizens, is that right? A. Yes, sir.

Q. Are not there any complaints now pending against you for assaulting citizens? **A.** No, sir.

Q. Wasn't there a complaint made against you on April 12th of this year? **A.** Yes, sir.

Q. And wasn't there another one made on April 18th? **A.** No, sir.

Q. Then there is one? **A.** One.

Q. Have you ever been suspended from duty in connection with any assault case? **A.** That complaint you have reference to has been withdrawn by the complainant.

Q. Did you ask the complainant to withdraw it? **A.** No, sir.

Q. Is that the one of April 18th? **A.** Eighteenth and 12th.

Q. Then there was one of the 18th? **A.** It is the same one; it was adjourned to the 18th for examination.

Q. The date of the complaint against you to which I have reference is April 28, 1893, and I read the specification:

"I hereby charge Patrolman John H. Hurley, of the Thirty-fifth precinct, with conduct unbecoming an officer: Specifications: In this, to-wit:

"Said Patrolman John H. Hurley did, at 6 p. m., April 28, 1893, in the sitting-room of the Thirty-fifth precinct station-house, assault Patrolman Henry C. Bischoff, of this Thirty-fifth precinct by striking him on the head and face with his fist, without any cause or provocation."

For that, how much were you fined? **A.** I believe 10 days.

Q. Did Officer Bischoff complain that you hurt him very severely? **A.** He claimed that it was an accident.

Q. Bischoff claimed that it was an accident? **A.** Yes, sir.

Q. Did he testify that it was an accident? **A.** He didn't on the stand.

Q. Was there any evidence offered by a doctor?

Mr. Moss.—I will confine this because of the objection of Senator Cantor.

Senator Cantor.—I recognize, as well as you do, that it is one of the most serious offenses that an officer can be guilty of to feloniously exercise the powers intrusted to him, either by his night-stick, or other force; but I say that where an officer has been tried and a conclusion has been reached by the police commissioners and he is called here as a witness, that it is not fair to him to simply put in the portion of the evidence against him. I think he is entitled to the proof in his favor just as well.

Mr. Moss.—Upon the record here there does not appear to be any serious assault, but it happens to be an assault upon a policeman. I didn't mean to say anything that could be construed into an impropriety.

Officer George Lair, a witness called in behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct? **A.** Eighth.

Q. There appears upon the records 24 trials against you at police headquarters; is that right? **A.** I don't know; I didn't keep a record of them.

Q. Do you doubt it? **A.** No; I don't doubt it.

Q. It appears that in all of those cases, once was the complaint dismissed; have you any other recollection?

Mr. Moss.—I offer the record in the case of **George Lair**. Date of complaint, May 14, 1891. Date of judgment, November 27, 1891. Judgment, fined 20 days' pay, \$54.79.

Chairman Lexow.—Which was that, the 19th or 20th case?

Mr. Moss.—Twenty-three cases.

Chairman Lexow.—Is this the 24th case you are referring to?

Mr. Moss.—This is the ninth case on the calendar. I will read the specification:

"I hereby charge Patrolman George Lair, of the Eighth precinct, with conduct unbecoming an officer.

"Specification. In this to-wit:

"That the said Patrolman George Lair, did, on Monday, May 11, 1891, between 10 and 11 a. m., in the liquor store on the southwest corner of Thompson and Houston streets, without cause or provocation, take hold of one Rose Smith by the hair; threw her on the floor; put his finger in her mouth and tried to tear her teeth out; took a pistol from his pocket and pointing it at the said Rose Smith, said, 'I have a good mind to put a ball in you.'"

The judgment is before the full board of commissioners: "Now, therefore, it is resolved, etc., that the said charges are true, and that the said George Lair be and is hereby fined 20 days' pay, amounting to \$54.79."

Q. Were you ever put upon trial in a criminal court upon this complaint? A. No, sir.

Q. Or upon any complaint by this woman? A. No, sir;

Q. Did you deny this charge on oath? A. Yes, sir.

Q. You say it is not true? A. It is not true, either.

Q. Did any superior officer make a charge against you for perjury? A. No, sir.

Q. Now, there is another conviction against you for an assault in which the complaint was March 12, 1892; the judgment was April 5, 1892, and the fine was 10 days' pay, amounting to \$27.39. I read the specification:

"I hereby charge Patrolman George Lair, of the Eighth precinct, with conduct unbecoming an officer. Specifications, in this, to-wit:

"That the said Patrolman George Lair did, on Wednesday, March 2, 1892, at or about 1:44 p. m., enter an Avenue C railroad car and refused to pay his fare, and attempted to urinate in the car, and when ordered off the car by Conductor James Cusack, put his hand in his pistol-pocket, and said, "I will blow your brains out."

"(Signed)

WILLIAM MURRAY,

"Superintendent.

"Judgment by the full board of judges, that the charges are true, and imposes a fine of 10 days' pay, amounting to \$27.39."

Q. Were you ever put on trial in a criminal court upon this charge? A. No, sir.

Q. Did any superior officer attempt to do it? A. No, sir.

Q. Were you ever suspended from duty, while this charge was pending? A. No, sir.

Q. There is another complaint against you, in which you were adjudged guilty of failing to discover a burglary. December 1, 1893, you were fined three days' pay for failing to discover a burglary? A. Yes, sir.

By Senator Bradley:

Q. You said you were not guilty? A. Yes, sir.

Q. You were not guilty of that serious charge, for which you were fined 20 days' pay; now, what do you attribute it to; how can you account for the decision of the whole board of commissioners finding you guilty, if you were innocent; what do you attribute it to — any influence or pull? A. No, sir; not at all; that day I was never there at all; it was a case of mistaken

identity; I took an extra prisoner to court, and there would be nothing to fetch me down there, to take an Avenue C car at the time.

Q. I am not talking of that charge; the former charge, for which you were fined 20 days' pay? A. This woman that made the complaint against me was a prostitute, and I could prove that she was, and I had to go to the closet at the time, and I went into this saloon, and during the time I was in the saloon this woman went to the station-house and a roundsman was sent over, and when he came in he said that the captain wanted to see me; I walked over with him as far as the station-house; the captain had sent for a doctor to see whether I was intoxicated; the doctor had come; he said there was nothing the matter with me; I was put on trial.

Q. This testimony was adduced before the commissioners, was it not? A. Yes, sir.

By Chairman Lexow:

Q. You say the woman was a prostitute, and you could prove it? A. Yes, sir.

Q. Do you mean that because she is a woman of that description, that you could pull her by the hair and knock her down? A. I never done it.

Q. You understand that they are entitled to the same amount of protection that anybody else is, so far as their persons are concerned? A. I am well aware of that.

By Senator Bradley:

Q. Then we would infer from what you said, that the police commissioners believed her oath, and didn't believe yours? A. There were four against me, where I was alone.

Q. Were they all of bad character, like her? A. No; what I mean is, between the captain, the roundsman, and the sergeant and this woman.

By Chairman Lexow:

Q. Your superior officers testified against you then? A. Yes, sir; they believed her.

Q. And it was upon the testimony of your superior officers and this woman that you were convicted? A. Yes, sir.

Q. You don't mean to say that the police commissioners discriminate against the members of the force in giving their decisions? A. I don't know what they are likely to do.

Q. Isn't it the general opinion that they discriminate in favor of members of the force, rather than against them; isn't that the general belief? **A.** Yes, sir; among the political —

Senator Bradley.— If a man has got a pull, he is all right.

Q. My question was, whether you believed that the police commissioners in convicting you, or any other members of the force, discriminate against the members of the force in favor of citizens outside? **A.** No, sir; I don't think they do.

Q. They rather discriminate in favor of the members of the uniformed force, don't they? **A.** That is a hard question to answer: I couldn't tell that.

Q. Isn't that the belief among the force? **A.** I don't know.

Q. Do you consider when you go before the police commissioners that you are going before a friendly tribunal? **A.** I do not.

Mr. Moss.— I offer in evidence the judgment-roll in the case of Albert J. Dohrman. Date of complaint, February 1, 1894. Judgment, March 27, 1894. Dismissed from the force. The specification is:

"I hereby charge Patrolman Albert J. Dohrman, of the Fourteenth precinct, with neglect of duty.

"Specifications. In this, to-wit:

"Said Patrolman Albert J. Dohrman was absent from his post, and was in a liquor store, number 111 Avenue A, at 10 o'clock, p. m., January 30, 1894, during his tour of patrol duty."

That is all.

The previous officers who were not only in liquor stores, but were convicted of assaulting citizens, got off with light fines.

Owen Sullivan, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You were appointed December 17, 1890? **A.** Yes, sir.

Q. And there are only five cases against you at headquarters; is that right? **A.** I guess so; I never kept a record of them.

Q. But of those five cases, two were for convictions of assaults on citizens? **A.** Only one of them for assault; the other was for failure to convey a prisoner to the station-house, but I was put on trial for assault.

Q. One was for assault, and the other was for failure to convey a prisoner to the station-house, you say? **A.** It was only for failure to convey a prisoner to the station-house.

Q. Was it in the second case that you were only convicted of one specification? **A.** Yes, sir; I believe that is it.

Mr. Moss.—I offer judgment-roll against Owen Sullivan, of the Seventh precinct. Date of complaint, July 2, 1891. Date of judgment, November 27, 1891. Fined 10 days' pay, \$27.39. The specification is:

"I hereby charge Patrolman Owen Sullivan, of the Seventh precinct, with conduct unbecoming an officer. Specifications. In this, to-wit:

"That the said Patrolman Owen Sullivan, on Saturday, July 18, 1891, at about 10:30 o'clock, p. m., in Water street, between Market and Pike street, struck one Thomas Daly, who was urinating against a truck, several blows with his club on the arm and body; called him a son-of-a-bitch, and continued to beat him with his club until he ran away."

Q. Did you deny that charge on oath? **A.** I did deny it.

Q. Were you prosecuted in a criminal court upon the charge by anybody? **A.** No, sir.

Q. Were you suspended from duty? **A.** No, sir.

Mr. Moss.—I read from the judgment-roll, on page 2, the testimony of Thomas Daly: "On this evening, the 18th of July, I was between Market and Pike street; I was urinating against the truck; this officer came up and struck me about a dozen blows, blacked my body; I asked him for God's sake not to kill me; I said, if I did anything to lock me up; he said, 'You son-of-a-bitch.' He continued to beat me to the end of the post.

Q. Where did the officer strike you? **A.** All over the body; both sides; on the right arm. **Q.** Did he speak to you before striking you? **A.** No. **Q.** Were you standing facing towards him when he struck you? **A.** No. **Q.** Didn't you see the officer when he came up? **A.** No. **Q.** Were there many people on the street? **A.** Not a soul; a friend of the officer and a citizen."

Testimony by the defendant: "I deny clubbing this man."

Senator Bradley.—What was the verdict there?

Mr. Moss.—The judgment was a fine of 10 days' pay, \$27.39.

Q. By the way, did you arrest that man? **A.** I never seen that man after half-past 6 at night, and he claims he was beaten somewhere about 10 o'clock; I didn't see him, and I didn't beat that man.

Q. Then of course, you didn't arrest him? **A.** I didn't see him.

Q. You didn't arrest him at all at any time? **A.** No, sir; I didn't.

Mr. Moss.— I offer the case of Owen Sullivan of the Seventh precinct. Date of complaint, August 23, 1894. Judgment, April 27, 1894. Fined five days' pay, \$16.43.

"I hereby charge Patrolman Owen Sullivan, of the Seventh precinct, with conduct unbecoming an officer.

"Specifications. In this, to wit:

"First. That the said Patrolman Owen Sullivan, did on Saturday, July 29, 1893, at about 11:30 p. m., enter the apartments of one Meyer Kaufman, at 191 Madison street, and without warrant of law, placed the said Kaufman under arrest, and neglected and fail to convey him to the station-house.

"Second. That the said Patrolman Owen Sullivan at the time and place above mentioned, did strike Esther Kaufman, the wife of the said Kaufman, many times across the shoulder and arm with his baton."

I might say, as part of the record, that Mr. Kaufman testified that his wife was "Dead all night" as a result of the officer's acts. He meant unconscious.

Witness.— Will you state the defense on that case?

Q. Do you mean the names of the witnesses? **A.** No, what the defense was that was made in that case.

Mr. Moss.— There were 12 witnesses for the defense and five witnesses for the prosecution. Some question was raised about the form of this judgment; there does not seem to be any judgment in this roll; the envelope simply says, "Judgment, five days."

Q. Were you ever put on trial on that charge in the criminal court? **A.** No, sir.

Q. You denied the charge under oath both times, didn't you? **A.** Yes, sir.

Q. What was the first arrest you ever made? **A.** A man named Noolan, for burglary.

Q. You arrested him for burglary up here on the east side? **A.** Yes, sir.

Q. After you arrested James Noonan for burglary, he was convicted? **A.** Yes, sir.

Q. A day or two after you arrested James Noonan, and it was known that he was charged with burglary, didn't another man come forward; wasn't another man arrested; at least, did he

not, after his arrest, confess that he committed the burglary?
A. The day after Noonan was convicted.

Q. But this man was arrested; was he not? A. Yes, sir.

Q. What was his name? A. Meitler.

Q. The question in that case was principally a question of identification, was it not? A. Yes, sir.

Q. There was no doubt that there was a burglary? A. Yes, sir.

Q. There was no doubt that the complainant's place had been entered, but the question was whether James Noonan had entered it? A. Yes, sir.

Q. Now, do you remember that you identified this man, because you saw him run through the street at midnight, and you caught a glimpse of his face under the gaslight? A. I saw him run from the direction of the store over to Division street, and never lost track of him until he ran into Gus Blint's liquor store.

Q. Your testimony in that case was the principal testimony?
A. No, sir.

Q. As to identification? A. I identified him.

Q. You were the only witness that positively identified him?
A. Yes, sir.

Q. You gave your testimony in the General Sessions? A. Yes, sir.

Q. On that testimony he was convicted? A. No, sir; he was convicted on the testimony of the complainant, who identified him as the man who was at her bureau drawers.

Q. You know that Gus Meitler has since made affidavits, don't you? A. Yes, sir.

Q. In which he has stated that he was the man who committed the burglary, and that persons have made affidavits to James Noonan's good character? A. I don't know anything about him; I read it in the paper.

Q. And that James Noonan had endeavored to explain how he happened to be in the saloon from which you took him that night? A. I don't know anything; only what I read in the paper.

Q. Is it not a fact that James Noonan is in Sing Sing to-day on a six years' sentence, for stealing a dollar and some cents in the night-time, and that your testimony was a very important link in the chain of evidence? A. My testimony was what I seen.

Q. Your testimony was positive identification? A. I saw him running from that direction and chased him into Gus Blint's joint, a resort of thieves.

Q. In both of those cases, before the commissioners, to which I have called your attention, you denied the charge on oath?

A. Yes, sir.

Q. And in both of those cases you were convicted, notwithstanding your denial? **A.** Yes, sir.

William Rohrig, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Your precinct is what? **A.** Second precinct.

Q. There was a complaint made against you on September 7, 1892, was there not? **A.** Yes, sir.

Q. And you were fined 30 days' pay on the 29th of November, 1892? **A.** Yes, sir.

I read the specification against you:

"That the said Patrolman Rohrig, did, on Thursday, September 1, 1892, at about 9:40 o'clock p. m., on Thirty-second street, between Seventh and Eighth avenue, throw his baton at one James Walsh, which struck said Walsh, knocking him to the street and injuring him severely." It appears upon the record that that was a boy who was playing tag with some other boys.

Q. Did the officer come along at the time? **A.** Yes. **Q.** Did he say anything to you? **A.** We sat on the stoop. **Q.** When the officer came along? **A.** Yes. **Q.** Did he say anything to you? **A.** No, he threw his club at me. **Q.** While you were sitting down? **A.** No, I got up and ran. **Q.** Where did it strike you? **A.** Right here, and knocked me down senseless. **Q.** And hit you in the back of the head? **A.** Yes. **Q.** What is your head bound up in that way for? **A.** The doctor did it. **Q.** What for? **A.** A fractured jaw, he said, and chin. **Q.** Caused by this fall? (Referring to the fall occasioned by the the throwing of the club.) **A.** Yes." The witness states that he went to the hospital.

Q. Were you ever put on trial in a criminal court for this affair? **A.** No, sir.

Q. Did you testify upon the trial that you didn't do it? **A.** I said it was an accident.

Q. Then you admit that you did it, but that it was an accident? **A.** It was while rapping for assistance, that I did it.

Q. I think you testified there that you had to rap for assistance, there were so many of these boys around? **A.** It was not the boys; it was the growler gang.

Q. I think you testified that you rapped for assistance and the club bounced off the sidewalk, and struck the boy? **A.** I don't know whether the stick struck the boy; I saw the boy fall, but I didn't see the stick strike the boy.

Senator Bradley.—What was the fine there?

Mr. Moss.—Thirty days' pay.

Officer Michael J Rein, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to? **A.** Nineteenth.

Mr. Moss.—I offer in evidence the record in the case of Michael J. Rein. Date of complaint, October 23, 1890. The specification is as follows:

"The said Patrolman Michael J. Rein, did, on the afternoon of October 13, 1890, at about 2 o'clock, in front of No. 309 West Twenty-first street, without cause or justification, arrest one William Henderson; that he called him a son-of-a-bitch, caught him by the neck, and pushed him up against the wagon, and shoved him along the street to the station-house."

The complainant testified upon the trial on October 13, 1890: "I was in front of my own door; the officer passed me; I said, 'Why don't you go and pay old man Armstrong for his paper 15 cents?' he turned and said, 'You son-of-a-bitch, if you ever ask me again to pay, I will lock you up;' I then said, 'You are no better than a thief, or you would pay that poor man for his papers;' at this he caught me by the neck, pushed me up against the wagon, and shoved me along the street to the station-house, and made a charge against me; I was taken to court and discharged; he got hold of my shoulder; he tortured me by pressing my arm, that way; I asked him not to do it; he said he would put handcuffs on me; I said, 'Put them on; don't torture me.'"

Q. You were fined for that offense, of which you were adjudged guilty, three days' pay; is that right? **A.** That is right.

Q. Nine dollars and eighty-six cents? **A.** Yes, sir.

Q. Were you ever put on trial in a criminal court? **A.** No, sir.

Q. Did you deny the charge on oath? **A.** I did.

Q. Have you had any complaints against you since this time?

A. Yes, sir; not for abusing citizens, though.

Q. Have you ever been suspended from duty? **A.** No, sir.

By Chairman Lexow:

Q. Upon this or any other charge? **A.** No, sir.

Q. Do you claim, officer, that the police commisisoners discriminate against members of the force in rendering judgment?

A. I don't think they do.

Q. You think they would discriminate rather in favor of them than against them? **A.** I think they would.

Q. You don't think that there is any unfairness or impartiality about the trials held by the commissioners? **A.** No, sir.

Q. Your trial was fair? **A.** The trial was fair; I wish to state that Commissioner McLean tried the case and claimed that I violated the rules of the manual; he didn't fine me because he believed this citizen.

Q. Do you believe that a citizen ought to be believed on police trials at all? **A.** Yes; if he is telling the truth; he was a perjurer, though, and it was proven there that he was one.

Lawrence A. Hogan, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What precinct? **A.** Eleventh.

Q. There appear to be 14 cases against you at police headquarters; is that right? **A.** Yes, sir; about that.

Q. You were acquitted upon one case? **A.** Yes, sir.

Q. And you were convicted of assaulting a citizen on November 11, 1892; is that right? **A.** Yes, sir.

Mr. Moss.—I offer in evidence the record of the case against Lawrence A. Hogan. Date of complaint, September 22, 1892. Judgment, November 11, 1892. I read the specification:

"That the said Patrolman Lawrence A. Hogan, on the evening of September 19, 1892, at about 9:20 o'clock, in front of 40 Essex street, did make use of vile and indecent language to one Max Moskovitz; followed the said Moskovitz into his restaurant at the above number, and struck him in the face with his hand, and did draw his pistol, and threaten to shoot the said Moskovitz."

The judgment of the board was that he was guilty, and ~~he~~ was fined three days' pay, \$8.21.

Q. Did you arrest Mr. Moskovitz? A. No, sir.

Q. Did you deny this charge under oath? A. Yes, sir.

Q. Were you tried in any criminal court for your assault ~~on~~ for that assault on Moskovitz? A. No, sir.

Q. Were you suspended from duty? A. No, sir.

Q. You have been on duty ever since that conviction, November 11, 1892? A. Yes, sir.

Officer Martin Hannify, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. Twenty-fourth.

Mr. Moss.—I offer in evidence a complaint and papers against Martin Hannify. The complaint was dated November 9, 1893. Judgment, December 19, 1893. I read the specifications:

"First. Said Patrolman Martin Hannify, on Thursday, October 26, 1893, at about 6:25 a. m., on the corner of Sixty-first street and Tenth avenue, did address one George P. Satterwhite in an insulting manner; kicked him and struck him on the head and body several times with his baton.

"Second. Said Patrolman Martin Hannify, on Thursday, October 26, 1893, at about 1 p. m., on the corner of Sixty-second street and Tenth avenue, attempted to strike said Satterwhite with his baton, saying 'You son-of-a-bitch get off this avenue.'"

Q. Did you arrest Satterwhite? A. No, sir.

Mr. Moss.—The record shows that Officer Hannify was convicted of this offense and fined two days' pay, \$6.57, by the judgment of the full board.

Q. You were never tried in any criminal court for this offense? A. No, sir.

Q. There was never any information lodged against you? A. No, sir.

Q. Were you suspended from duty? A. No, sir.

Q. Did you deny this charge under oath? A. Yes, sir.

Henry Herrlich, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What precinct? A. I was formerly in the Seventh, but I am in the Eighteenth now.

Mr. Moss.—I offer in evidence a judgment-roll in the case of Henry Herrlich. Date of complaint, May 11, 1891. Judgment, December 4, 1891. The specifications are:

“First. Said Patrolman Henry Herrlich, did on the 11th day of May, 1891, between 5 and 6 o'clock, p. m., in Cherry street, without cause or provocation, assault one Thomas Jordan, striking him with his club on the leg and head, knocking him down, and then struck him several blows with his club while down.

“Second. Said Patrolman Henry Herrlich, did, when in the station-house, call the said Thomas Jordan, a son-of-a-bitch, and threatened to drive every tooth down his throat.”

Chairman Lexow.—Who were the witnesses?

Mr. Moss.—There were only two witnesses for the prosecution, Thomas Jordan and John Lenehan, and 12 witnesses for the defense, of whom five were police officers. The judgment by the unanimous board adjudges that the charges are true, and imposes a fine upon Mr. Herrlich of three days' pay, \$9.86.

Q. Were you ever put on trial in a criminal court upon this charge? **A.** No, sir.

Q. Did you deny it upon oath? **A.** No, sir; I admitted the clubbing under the circumstances; I admit the clubbing under the circumstances.

Q. What did your witnesses testify? **A.** The same thing as I did, pretty near.

Q. Did they say it took place? **A.** Yes, sir; I will explain it to you, if you will allow me; I was on post down in Catherine street, and I took in part of Cherry street, and a man about six feet three inches high sat on a stoop; I went over and said, “Here old man; don't sit here sleeping; go home;” he started, and walked about 50 or 60 feet away and sat down again; he started to go to sleep; I went up and called him up, and he hauled off with his fist and knocked me in the eye from about here over to that railing; when he got me down he commenced kicking me, and I got my club and clubbed him; I didn't deny the clubbing at all.

By Senator Bradley:

Q. Did you give that testimony before the police commissioners? **A.** I did; I admitted the clubbing.

Mr. Moss.—The specification is, that this officer without cause or provocation assaulted Thomas Jordan, and it is adjudged to be true upon the record.

The Witness.—The first time it was adjourned to give the complainant an opportunity to fetch witnesses.

John McGrath, a witness called on behalf of the State, being duly sworn, testified as follows: :

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. Twenty-second.

Mr. Moss.—I offer in evidence judgment-roll in the case of John McGrath, Date of complaint, June 1, 1892. Convicted, November 11, 1892. The specifications are:

“First. That the said Patrolman John McGrath did, on the 29th day of May, 1892, at about 1:30 a. m., in front of No. 311 West Forty-third street, thrust in the neck with his open hand, John Keating; placed him under arrest, and falsely charged him with being drunk and disorderly, and interfering with him in the discharge of his duties.

“Second. That the said patrolman John McGrath, while conveying the said John Keating to a cell, did make use of the following language, ‘You son-of-a-bitch, I’ll kill you; you are a cur, and kicked him twice in the testicles.’”

The judgment was: “The officer is guilty,” and he was fined 10 days’ pay, \$32.87. The witness testified in this case that he suffered severely from the kick.

Q. Did you on the trial deny this assault? A. Yes, sir.

Q. Were you suspended from duty? A. No.

Q. Were you put on trial in a criminal charge? A. No.

Q. Never had to answer before any police magistrate at all? A. No.

Q. Never called by the district attorney before the grand jury? A. No, sir.

Q. How many cases are there against you at headquarters? A. I didn’t keep a record.

Q. Are there as many as 22? A. Not that I am aware of.

Q. The record shows 22; now, you have been three times acquitted of serious charges; once in 1889, it was charged that you struck a woman without cause; in 1890, that you entered a front yard and used threatening language toward a woman, and also that you assaulted John Orr? A. You have something wrong in the record.

Q. You don’t remember that? A. No, sir.

Q. There is no mistake about your having been convicted and fined 10 days' pay for assaulting John Keating? **A.** No.

Thomas O'Neil, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you connected with? **A.** Twelfth.

Mr. Moss.—I offer in evidence complaint dated December 20, 1891. Judgment dated February 12, 1892, and I read the specification:

"That the said Patrolman Thomas O'Neil, on the morning of December 26, 1891, at 1 o'clock, call one Albert Karcher, from the restaurant No. 387 Grand street, and made use of vile and indecent language to him; caught him by the throat; pushed him up against the window and along the sidewalk; striking him with his fist in the back of the neck several times."

The record shows that he was adjudged to be guilty and was fined two days' pay, \$6.57.

Q. Did you ever face a jury in this case? **A.** No, sir.

Q. Did you deny it upon oath? **A.** Yes, sir.

Q. Were you ever suspended from duty? **A.** Never.

Q. You have 15 cases against you at police headquarters, have you not? **A.** Not 15; I believe 14.

Q. In three of those you have been acquitted? **A.** I guess four; I was fined three days' pay in that one case that you say two days.

Q. You say three days? **A.** I was fined three days.

Q. Did you allow three days' pay in this case? **A.** Yes, sir; I believe that is what I got.

Q. Then you have got to get a day's pay back, because the record says only two days; who did you pay? **A.** It was stopped out; I am not positive about that; I thought it was three days.

Senator Cantor.—What period of time do those cases cover?

Mr. Moss.—They are within the year of 1891 and May of this year. When I quote the record of the officer I speak of his entire record. But when I speak of these assault cases in particular, why I refer to cases which have occurred since January 1, 1891. There have been at least 90 officers in court, and possibly 100, whom I intended to put on the stand, if the day would last long enough, but I suppose those cases which I have submitted will answer as a sample of the whole. You will find

the names of those officers whom I haven't called in the record which I submitted to-day. We might take an adjournment now, and I think all these officers may be discharged entirely.

Chairman Lexow.—The committee stands adjourned until to-morrow morning at 10:30 o'clock. All those officers under subpoena to-day, and not examined, need not put in an appearance to-morrow morning.

Proceedings of the forty-first session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the former General Sessions building, in the city of New York, Wednesday, October 3, 1894, at 10:30 a. m.

Present.—Senators Edmund O'Connor, George W. Robertson, Daniel Bradley and Cuthbert W. Pound; John W. Goff, Frank Moss and W. Travers Jerome, for the committee.

Chairman O'Connor.—Mr. Moss, are you ready to proceed?

Mr. Moss.—Yes, sir; I offer in evidence a copy of the chattel mortgage, produced by the register of the county of New York, by David Kronmann, to G. Munk, dated March 13, 1893, covering property contained in the premises 1841 Third avenue, for the sum of \$70. This is in support of the testimony of Mr. Kronmann, given the other day.

Paper marked "Exhibit 1, October 3, 1894, L. W. H."

**EXHIBIT 1, OCT. 2, 1894, L. W. H.
POLICE DEPARTMENT OF THE CITY OF NEW YORK.**

**IN THE MATTER
OF
THE CHARGES AGAINST CAPTAIN ALEX-
ANDER S. WILLIAMS OF THE NINE-
TEENTH PRECINCT.**

*Case tried before the full board
July 6, 1887.*

THE CHARGES.

June 28, 1887.

*To the Police Board of the Police Department of the City of
New York:*

I hereby charge Captain Alexander S. Williams, of the Nine-
teenth precinct, with conduct unbecoming an officer.

SPECIFICATIONS.

In this, to-wit:

First. That the said Captain Alexander S. Williams has, for a long time past, permitted a large number of houses of ill-fame to exist on Thirty-first street, for about a half a block west of Sixth avenue, viz., Nos. 110, 111, 115 and 119 West Thirty-first street, and in Thirty-second street, between Sixth and Seventh avenues, viz., Nos. 107, 109, 135, 136, 138, 140, 142 and 154 West Thirty-second street, and has allowed such houses to be conducted in an open and shameless manner, so that said thoroughfares have become a public nuisance, and are noted throughout the city as vicious neighborhoods.

Second. That the said Captain Alexander S. Williams was applied to by Mr. Jules Chatelan in or about September, 1885, who informed said captain that Twenty-seventh street, between Sixth and Seventh avenues (notoriously Nos. 112, 119, 120, 121, 123, 124 to 130, 138, 141, 144 and 146 West Twenty-seventh street), was a center for the vice of prostitution, and requested the said captain to suppress them; but that the said captain abused the said Chatelan, calling him a thief, and declined and neglected to act; whereupon said Chatelan and other business men organized the "Owners and Business Men's Association," and proceeded to the work of purifying said locality, without aid, co-operation and encouragement of the said Captain Williams.

Third. That the said Captain Alexander S. Williams was called upon in the early fall of 1886 by Mr. James B. Smith of 353 West Thirty-first street, who urged said captain to suppress the houses of prostitution and assignation in Thirty-first street, between Sixth and Seventh avenues, and that said captain gave Mr. Smith no encouragement and paid no attention to his complaint, and failed and neglected to suppress said houses of prostitution.

Fourth. That the said Captain Alexander S. Williams has permitted, and does still permit, a disorderly house and one of ill-fame to exist at No. 408 Fourth avenue, notwithstanding a complaint made to him in the month of March, 1887, by Mrs. Alfreda E. Dowd, at which time the said captain admitted he knew the character of the house, promising to attend to the matter, but has since neglected and failed to take any measures for the suppression of the vices complained of at said house.

Fifth. That the said Captain Alexander S. Williams is, and for a long time past has been, aware of the existence of many houses of ill-fame in his precinct; but he permits them to carry on their immoral trade, notwithstanding his power under the laws to suppress them, and contents himself by making an occasional raid when proof is furnished by private individuals.

Sixth. (Withdrawn.)

Seventh. That the said Captain Alexander S. Williams knowingly and willfully permits, and has done so for a long time past, a dive of the worst character known as "Clark's," at 502 and 504 Sixth avenue, to carry on a nefarious business, said place being patronized by disreputable woman; is kept open all night; is notable for vile and vicious conversation; is known and used as a place of solicitation for indecent purposes by females; and that said captain is aware of and has suffered and permitted frequent violations of the Excise Law at said place.

Eighth. That the said Captain Alexander S. Williams knowingly and willfully permits, and has done so for a long time past, a dive of extremely bad character known as "Tom Gould's" at 54 West Thirty-first street, to carry on a vile business, said place being a resort of disreputable women, who act and talk indecently and shamelessly, and that said captain has been and is aware of frequent violations of the Excise Law at said place.

Ninth. That the said Captain Alexander S. Williams did, for along time prior to October 25, 1886, knowingly and without hindrance, permit gambling to be carried on at Nos. 25 and

58 West Thirty-first street,t and did permit without his knowledge, co-operation, or assistance, said premises to be raided and closed by officers attached to the central office.

(Signed by the superintendent.)

Complainant's Brief.

Before discussing the law and the facts in this case, a few preliminary remarks will be of use.

The principal policy of the defendant was a continued effort to defame the character of Jules Chatelan, one of the original complainants, but not the present complainant, and not a witness in the case.

The attempt to create an irrelevant issue, by putting him also on trial, was very properly prevented by the board, notwithstanding which the accused captain, while not on the witness stand, violated the decorum of the proceedings and the dignity of the court, by loudly applying to him opprobrious epithets. Were Chatelan the incarnation of evil, the dereliction of Captain Williams would be none the less. Let it be remembered that the original complaint and affidavits bore the signatures not only of Chatelan, but also of Dr. Howard Crosby, President of the Society for the Prevention of Crime, whose letter annexed shows that he was detained at Pine Hill by severe sickness, and Mr. James B. Smith, Mrs. A. E. Dowd, Mr. P. Murray and Mr. Frank Moss, the integrity of which persons even the defendant has not questioned, and that although some of complainant's witnesses were excused by the court on account of illness, the defendant was arraigned by the interwoven testimony of thirty-five persons, many of them well-known citizens, which opposed to the testimony of Captain Williams and his eight witnesses, made such a case as calls for a conviction on some, at least, of the specifications.

The continued effort to divert the effect of the prosecution's testimony by a miserable side attack on one man, while allowing the most serious charges to go by default, shows the hollowness of the defense, and is in itself an argument for the guilt of the accused.

(It is only just to Mr. Chatelan, publicly slandered as he was, although without relation to the case, to say here, that he denies every accusation that has been made against him; that he has been at the front fighting lawbreakers for two years, and has so drawn their enmity upon him, that he has never been indicted for any crime, and that he enjoys the confidence and respect of a large circle of friends. The fact that he is a free man, notwithstanding the accusations of Captain Williams, goes a long way to establish his innocence.)

In support of the foregoing charges the complainant submits the following points:

First. Section 282 of the Consolidation Act provides as follows:

"It is hereby made the duty of the police force, at all times of the day or night, and the members of such force are hereby thereunto empowered to especially preserve the public peace, prevent crime, * * * carefully observe and inspect * * * all places of business having excise or other licenses to carry on any business, all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside, * * * gambling houses, * * * and to repress and restrain all unlawful or disorderly practices therein, enforce and prevent the violation of all laws and ordinances in force in said city, and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression of crimes or offenses."

Other acts declare that the keeping of a house of prostitution and the conducting of its business are crimes.

It is not the prerogative of police officers or of this board to moralize, or to discuss what the effect of the enforcement of law may be; that right belongs to another part of the government. The Legislature considers the effect of and enacts law; the duty of the police is simply to enforce it.

Second. With these specifications before us, let us proceed to a discussion of the particular specifications.

(1.) SPECIFICATIONS I, III AND V.

These specifications are closely related and will be considered together.

No evidence was given by the defendant to rebut their charges, except it be his statement that he did not remember Smith's calling upon him.

These charges in fact stand uncontradicted.

Captain Williams' reports to the superintendent of police, from June, 1885, to the present time, are in evidence, and show a large number of houses of ill-fame in his precinct; of these many are in Thirty-first and Thirty-second streets, between Sixth and Seventh avenues, viz.: Nos. 109, 110, 111, 114, 115, 116, 117, 118, 120, 122, 124 and 126 West Thirty-first street, and Nos. 109, 110, 111, 112, 113, 114, 117, 119, 121, 123, 135, 136 and 137 West Thirty-second street. It was proved by the testimony of a

number of witnesses, including Mr. J. B. Smith, Mr. E. K. Collins, Mr. L. Eggleston, Mr. Ackerman, Mr. Charles Couse, Rev. S. R. Rossiter, Mr. Geo. S. Weeks, Rev. Cornelius Praetori, Mr. A. R. Wagner, Mrs. Catharine Humphreys, Mr. E. Pigott, Mr. Michael O'Malley and Mr. Frank Moss, the reputation of none of whom was attacked, that this locality is given over to prostitution, and is noted as a vicious neighborhood; that it contains many houses of ill-fame whose business is conducted so openly and shamelessly as to have made said thoroughfares a public nuisance, and unfit for travel; that the houses and streets are occupied by many lewd women, who insult passing men, and solicit them for immoral purposes; and that many people residing in the first-class neighborhood west of Eighth avenue are compelled in crossing town to make a detour in order to avoid the indecent and insulting sights and sounds of the localities of which complaint is made.

The fact of the nearness of these disorders to Captain Williams' station-house (situated on the north side of Thirtieth street, between Sixth and Seventh avenues) is worthy of note.

Rev. Cornelius Praetori testified that he is one of the pastors of the large Roman Catholic Church of St. Francis, in Thirty-first street, between Sixth and Seventh avenues; that these immoral houses and lewd women are, and for a long time have been, close to his church; that the women continually insult and solicit him as he passes through the street — priest though he be — and have even done so without clothing upon them; that the effect upon his congregation and parishioners is annoying and demoralizing; and that the young ladies of his church are especially subjected to insult and indignities by the men who come to patronize these houses; that prior to February, 1886, he called upon Captain Williams and urged him to suppress these infamies, and that the captain responded substantially that there was no use in breaking up the houses; that if he did so the proprietors would reopen elsewhere; and that it would be too bad to drive the inmates out in the cold of winter. The priest finally made complaint at the Second district police court, and warrants (for keepers of disorderly houses) being issued, Captain Williams arrested the supposed proprietors of a number of houses. Up to this point his testimony is uncontradicted. The cases were dismissed. It appeared by the testimony of Mr. Steiner and Mr. Hummel, two of the defendant's witnesses, that no testimony was given showing the proprietorship

of the persons arrested, and Captain Williams, on cross-examination, admitted that he had not sent his detectives to these houses and that he did not in any way endeavor to obtain evidence to sustain the prosecution. He simply arrested the defendants, and left the matter of evidence to the priest, a private individual.

If Captain Williams desires to credit himself with these arrests, he must take the credit of making arrests which could not be sustained, because of the lack of most vital proof, i. e., proprietorship, toward the obtaining of which he confessedly made no effort. He can not throw the blame on the court, for it was impossible to hold the prisoners on the case presented. The priest had a right to rely on him for assistance, for he was a private person not used to public matters, and a foreigner, while Williams was a police official with a large force of trained men, expressly employed by the city to put down crime and to protect law-abiding persons.

Shortly after these fruitless arrests, the law was amended, and the task of proving the character of these houses was simplified, but Williams admitted that he let the matter drop, and made no further attack upon them.

Mr. James B. Smith, of 353 West Thirty-first street, testified that he called on Captain Williams and requested him simply to make Thirty-first street fit for him and his family to pass through safely without insult and annoyance, and that the captain gave him no satisfaction, and that no change for the better was perceptible after the request.

Captain Williams did not deny the statement, but said that he did not recollect the interview.

On cross-examination he testified that he did not and does not send his detectives to these or other houses of ill-fame, or make any effort to get evidence against them, and that he has made no personal effort to suppress them and their immoral traffic.

He has thus culpably failed to obey the law first above quoted.

A number of other witnesses, Bennett, Lawn, Jarecki and Quidort whose testimony was uncontradicted proved that these houses were easy of access; that they had been in some of them; that in each of them wine and beer was sold; and that the business of prostitution was carried on in them with unblushing boldness.

It was proved that Captain Williams, shortly after the complaint out of which these charges grew was handed to the

mayor, caused a large number of the keepers of houses of ill-fame in Thirty-first street to be arrested and indicted, and, according to the evidence of Mr. Smith and others, since that time no disorder has been apparent on the street. Captain Williams admitted, on cross-examination, that he had made only two raids on houses in this street between February 10, 1886, and June, 1887 (about 16 months), and that as to one of these the complaint was made by an inmate whose clothes had been held, and as to the other, he could not recollect whether or not the complaint was made by a citizen. He admitted that he had made no personal efforts to suppress these disorders.

We have proved, without contradiction, that Captain Williams is aware of the existence of a large number of houses of ill-fame in his precinct (a row of them being on the same block with his station-house); that in Thirty-first and Thirty-second streets the business of these houses is most offensive and outrageous, but that he takes no steps to properly observe and inspect the houses and to suppress the disorders in them, so violating the law above cited, and that he contents himself with an occasional raid when the proofs are furnished by private individuals.

Superintendent Murray, when asked by defendant's counsel whether the presence of houses of prostitution in a precinct are evidence of the captain's neglect of duty, answered "not individual houses;" but here they are in rows and colonies, almost as though legalized.

Either Captain Williams can stop these flagrant disorders and will not, or else he is willing to stop them and can not; whichever proposition be true, his neglect or inefficiency are unbecoming an officer, and show his unfitness for his position.

Will the commissioners, with the obligations of the law above cited upon them, as well as upon Captain Williams, acquit him upon these specifications, and so surrender our streets to the rule of vice and crime? It seems impossible that such a conclusion can be reached by this board of honorable gentlemen, charged as it is with the duties of preserving the peace, order and morality of our city.

(2.)

SPECIFICATION II.

It was proved, without objection, and without contradiction, that for a long time prior to the session of the Roosevelt com-

mittee, Twenty-seventh street, between Sixth and Seventh avenues, was full of disorderly houses, carried on with open solicitation and in a most offensive manner; that Mr. O'Malley, then a resident of the street, complained to Captain Williams without effect, and that after testifying about it before the Roosevelt committee, he went before the grand jury, with a number of neighbors, and laid the matter before it; that thereupon Captain Williams was sent for, and after examining Mr. O'Malley and Captain Williams, a large number of indictments were found, and the warrants given to Williams, who, after an aggravating delay, served them, and that thereupon most of defendants moved away (some of them settling again in other parts of the precinct), but that their places were soon filled by a lower and viler class of people; that Mr. O'Malley continued his complaints to Captain Williams (six specific and detailed letters being in evidence); that nothing apparent was done by the captain; that in September, 1885, the Owners and Business Men's Association was formed, to combat the houses of prostitution which then existed, and to do the work which the local police did not do. The very bad condition of the street was proved by the testimony of Mr. O'Malley, Mr. Moss, Richard Gibbs and Hon. John J. Morris, ex-excise commissioner, who testified that after reports and investigations, and a public trial, the excise board refused to grant licenses in Twenty-seventh street, between Sixth and Seventh avenues, on account of its bad character. It was proved that the main work of the association was accomplished by dealing with the owners of houses directly, most of whom, by persuasion, or threats of prosecution, cleared out their disorderly tenants, but that in several cases complaints were made under direction of the association, warrants obtained and raids made.

Although Captain Williams on one occasion, and some of his men on one or two other occasions were present at the raids, the warrants had been procured by the association and sent to Inspector Steers, and the presence of Williams and his men was simply under orders from headquarters.

In the case of Virginia Bolden, proprietor of 138 West Twenty-seventh street, who was indicted October, 1885, the warrant was granted by a justice at the Fifty-seventh street police court, and by him delivered to Sergeant Fuller of the Twenty-eighth precinct, who executed it. It was proved, and not denied,

that by about February, 1886, the association had substantially cleansed the street without aid from Captain Williams. The only defense that was seriously urged was that he was entitled to the credit of some of the raids. This claim is frivolous. But few raids were made; he does not claim to have made, or caused to be made, a single complaint, and the attendance of Williams or his men at any raid made for the association was only by orders of the inspector. The work of the society was commended by the press, and letters from Theodore Roosevelt, Robert Ray Hamilton, O. B. Potter and W. W. Astor are in evidence.

While it has not been proved that Jules Chatelan made a complaint and was repulsed, it has been proved, without objection and without specific denial, that Mr. O'Malley made complaints without receiving any relief, and the latter part of the specification, "Said Chatelan and other business men organized the Owners and Business Men's Association, and proceeded to the work of purifying said locality without aid, co-operation or encouragement of said Captain Williams," is proved beyond a doubt.

The facts that it became necessary for business men to combine and spend time and money to do the work of the police, and that they, without the means and methods of an organized force, accomplished this commendable work, which Captain Williams did not do, either because he could not or would not, speak most strongly against him.

(3.) SPECIFICATION IV.

It is abundantly proved by the testimony of Mr. Dowd, Mr. Borrman and Officers Cooper and McCord, that the house No. 408 Fourth avenue is a house of ill-fame of the most disorderly kind, making sleep in the adjoining house difficult, and overflowing the neighborhood with its soliciting inmates.

The affidavit of Mrs. Dowd (now absent in Europe), attached to the original specifications, states that she long since notified Captain Williams of the annoying existence of this house, and that he admitted that he knew the house to be disorderly, and said he would attend to it. He denies the truth of this statement, and claims that he should be exonerated because of the fact that on a recent complaint made before a police justice by Mr. Dowd concerning the house, the defendant was discharged;

but it was proved, without contradiction, that upon the hearing the justice stated that he discharged the prisoner because she was not proved to be the lessee of the place.

The evil character of the house, and its great annoyance to the neighborhood, and that it still carries on its vile business, are not contradicted by testimony, and Captain Williams conceded, on cross-examination, that he has not taken any steps whatever (even though these charges have been pending over a month), either to ascertain or to suppress the disorders which have so long annoyed the persons residing near said house.

This is clearly neglect of duty, and a violation of the law first cited. }

(4.) SPECIFICATION VII.

It was proved by the evidence of four witnesses, Bennett, Lawn, Jarecki and Quidort that they and others had visited "Clark's" after 1 o'clock at night on various evenings, beginning May 19, 1887, and that on every occasion they had purchased wine, beer or liquor after that hour; that women were about the place who indulged in disorderly conduct, and that on several occasions they were solicited by the women who were there to go upstairs with them for immoral purposes. The defendant introduces five witnesses to prove the good character of the place, but they did not contradict the witnesses for the complainant; none of them had been there after 12 o'clock, and, therefore, could not see violations of the Excise Law, and were not likely to see women acting in a disorderly manner; they were persons who took regular meals at the restaurant, and so were seldom there at late hours. Captain Williams admitted that the place is patronized by disreputable women, and thereby admitted his duty of inspection under the law above quoted, and stands charged with notice of the violations of law there committed. Neither the proprietor or any of his employes was called to the stand.

(5.) SPECIFICATION VIII.

The evil character of "Tom Gould's" place is well known. Captain Williams testified that it existed for many months, and was closed up some time since; but it is in evidence, without contradiction, that since May 18, 1887, the Excise Law has been broken there by the sale of liquor, Gould himself being present,

and that women, who were there drinking and carousing after 1 o'clock at night, were soliciting for immoral purposes (see evidence of Quidort).

Williams said that Gould has been seen there a number of times.

(6.) SPECIFICATION IX.

No evidence was given by the defendant to contradict the statements of this specification, and the only point upon which a defense is made is Superintendent Murray's testimony where, having been asked why he did not prefer charges against Captain Williams on the facts stated, said that he had thought of it, and did not solely from the consideration that his (Murray's) officers only succeeded in getting in the gambling houses by an introduction.

It was proved by the undisputed testimony of five men that gambling had been conducted at 25 West Thirty-first street by many people for a considerable time back of October 25, 1886 (one witness testifying to a period of six months). It was also proved, without contradiction, that prior to that date policemen, under orders from the superintendent, entered this house, and the house 58 West Thirty-first street, and secured evidence of gambling, and that on said date while the superintendent went to and staid at Captain Williams' station-house, under his orders, Inspector Steers and Captain (then sergeant) Warts led parties which raided said houses, and captured prisoners and gambling apparatus; the prisoners being afterward convicted and punished, and the apparatus destroyed.

In the captain's reports for the period covering October, 1886 (produced in evidence by the superintendent), No. 58 West Thirty-first street appears, but 25 West Thirty-first street does not appear.

In this case the houses were close to the station-house, and No. 25 appears to have been well patronized and to have been running for months (under the form of a club, as might well be expected in that locality), and while Superintendent Murray, and his men from Mulberry street were sufficiently alert to get into the houses, make a perfect case, and carry out successful raids, Captain Williams, with his station-house almost in sight of them, appears to have remained in perfect ignorance of them.

Here seems to be a clear case of inefficiency.

Third. As to the pretended defense that the condition of the Nineteenth precinct is better than it used to be, we are glad to admit the fact; there was and is much room for improvement. Superintendent Murray testified that the whole city is improving under the present rigorous management of the police department; this precinct simply follows the tendency. We are also glad to see recorded the large numbers of arrests made in Captain Williams' precinct for petty offenses; but in what way are these facts an answer to the specific charges of the complaint?

Such private witnesses as were allowed to testify in this general way concerning the condition of the precinct showed, on cross-examination, that they had no specific knowledge of the Thirty-first and Thirty-second street district.

There can be only one way for the commissioners to exonerate Captain Williams from the charges in the three closely related specifications Nos. I, III and V, uncontradicted as they are; that is, by holding that they do not, if true, constitute "conduct unbecoming an officer." The effect of this course would be to say to each police captain: "You may allow vice to colonize in your precinct, to offend decency, to violate the rights of citizens, to interfere with worship, and even to close thoroughfares to safe and peaceable travel; you may yourself violate the law which was made to control your force, and we will hold you blameless."

Fourth. The complainant respectfully submits this review of the facts and the law, firmly believing that they warrant and demand the conviction of the defendant.

FRANK MOSS,

EDGAR P. HILL,

Counsel for the Prosecution.

BOARD OF POLICE.

WILLIAM MURRAY, Supt.,	
<i>against</i>	<i>Complt.,</i>
ALEXANDER S. WILLIAMS, Capt.,	<i>Tried June, 1887.</i>
<i>Deft.</i>	<i>Commissioners voted August, 1887.</i> <i>Vote tie, defendant being neither acquitted nor convicted.</i>

Charges, complainant's brief and opinion of Fitz John Porter, Commissioner (being the only written opinion rendered).

Counsel present.—

Francis M. Scott, assistant corporation counsel, advising board of police; Frank Moss, counsel for complainant; Elihu Root, counsel for defendant.

The charges were preferred by the superintendent of police on information signed by Howard Crosby, Jules Chatelan and Frank Moss.

Commissioner Porter's opinion in the case of Captain Alexander S. Williams.

I have carefully considered the charge against Captain Alexander S. Williams of the police force, together with the specifications on which it is based. I have also carefully examined the testimony in the case with the view of ascertaining the truth of that testimony and its bearing upon the allegations, and I have studied the laws applicable to this proceeding. I do not forget that our decision may seriously affect the future of an officer of high rank, of long service and of reputed efficiency. But I can not shut my eyes to the demands of justice, nor to the fact that the discipline and usefulness of the force can only be properly preserved by meting out punishment, when deserved, with a firm and impartial hand. Nor can I fail to remember that the community has claims upon us which we must respect and that that community has a right to confidently expect from our board the execution of the law, by our legal agents, in punishing delinquents and in protecting citizens, in all parts of the city, from evils which should be suppressed by the police force. How can we retain the confidence of that community if we, its guardians, neglect the performance of so important a duty as

the preservation of discipline among our subordinates? I, therefore, not only deem it my duty, but that it is eminently proper, that I should state the conclusions of my investigations and give the grounds upon which my vote will be based. I will, however, be willing to modify my conclusions, or even to change them, if it shall appear, at any time during our consideration of the case, pending the final decision, that those conclusions are wrong or based upon improper views.

Captain Williams was arraigned on the charge of "conduct unbecoming an officer." Nine specifications are presented in support of the charge. One specification (the 6th) was withdrawn by the prosecution. Witnesses who were expected to prove some of the facts, alleged in other specifications, failed to appear.

Among other complaints it is alleged, by these specifications, that there had existed, for a long time, in the Nineteenth precinct, and that to the knowledge of Captain Williams, in charge of that precinct, numerous houses of ill-fame or prostitution, resorts for gambling and pool selling, and the practice by abandoned women of soliciting for prostitution to such an extent as to render disreputable certain streets, especially some within a stone's throw of his headquarters; that these practices had become an annoyance to passers-by, and that he had taken no measure to comply with the law and his orders, by suppressing this disreputable and disorderly conduct, though the offenders have often been complained of to him and he has been requested to secure their punishment.

The testimony in the case, if true, shows culpable neglect of duty, a non-compliance with the legal requirements of the police department, and, also, a disregard of the solemn promise, made under oath, and renewed at every promotion, to obey and execute the laws of the city and State of New York and the legal orders of his superiors.

Some of these laws are quoted in the printed regulations of the department, in the possession of every member of the police force, and with which he is required to become familiar. Parts of Rule 414, extracted from the Consolidation Act of the State of New York, are especially applicable to this case.

RULE 414.

Members of the force will particularly notice the following sections of chapter 410, Laws of 1882.

§ 282. It is hereby made the duty of the police force, at all times of day and night, and the members of such force are hereby thereunto empowered, to especially preserve the public peace, prevent crime, detect and arrest offenders, * * * and to repress and restrain all unlawful or disorderly conduct or practices therein, enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses.

Section 1458 of the same chapter defines one act—that of “disorderly conduct”—applicable to this case.

§ 1458. “Every person in said city and county shall be deemed guilty of ‘disorderly conduct’ that tends to a breach of the peace, who shall, in any thoroughfare or public place in said city and county, commit any of the following offenses, that is to say:

2. Every common prostitute or night-walker, loitering or lingering in any thoroughfare or public place, for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passers by.”

Section 718 of the Penal Code (referring to houses of prostitution), as amended by chapter 31, Laws of 1886, stands:

The terms “reputed house of prostitution or assignation,” “house of prostitution,” “house of ill-fame or assignation,” “disorderly house,” include all premises which, by common fame or report, are used for purposes of prostitution or assignation.

To enable the superintendent of police to perform the duty prescribed in Rule 25 of the regulations, “to abate all gambling-houses, rooms and premises; and places kept or used for lewd or obscene purpose and amusements, etc.,” it is thus especially provided in —

RULE 64.

Captains shall report, quarterly, to the superintendent of the location of all houses of prostitution, assignation, bedhouses and suspicious places in their respective precincts, and the names of the keepers and owners thereof.

The duty required by the following order can only be properly performed by each captain keeping himself fully informed about the places specified in the laws and rules which I have quoted.

June 20, 1885.

You will report to me in writing, on or before the 25th inst., all houses of prostitution, assignation, gambling-houses, lottery or policy offices, bunco places, opium joints or dens, or places reputed to be such, furnished room houses for prostitution, together with all suspicious persons and places, giving location by street and number, name of proprietor, name of owner or agent. You will also immediately report any changes that may occur in the proprietorship, or the opening or closing of any such places.

WILLIAM MURRAY,
Superintendent.

The quarterly report required by Rule 64 has been regularly furnished from each precinct. If made intelligently, and from information gained in the proper performance of duty, each captain should be possessed of the full information desired, and should be prepared, with the aid of members of his force especially selected by him, with data sufficient to sustain any just charges against houses of ill-repute. The fact that, notwithstanding the reports have been regularly made, no action has been taken by the captain raises a question not only as to his efficiency but also as to his integrity. It became his imperative duty to present before a justice ample evidence for holding the owners or proprietors of these houses for trial. Especially is this the case when he has secured the warrants for the arrest of such offenders on his own affidavit "that the houses were, to his knowledge and belief, used for immoral purposes."

I have been supplied with a copy of the brief of the counsel for the prosecution. I have carefully examined the synopsis of the evidence therein, and find it sustained by the record. I, therefore, accept it as correct. I, however, do not take into consideration any inferences of counsel nor any remarks made by them relating to our duty as a board, and shall govern myself in my performance of that duty by my own conclusions from the evidence.

Very little evidence in rebuttal of the testimony for the prosecution was presented by the defense, the defendant resting that rebuttal almost entirely upon his own statements.

The defense was mainly confined to a few points, to which I now refer:

First. A frequent effort by the accused and his counsel to divert attention from the evidence inculcating the defendant, by an attack upon a man who did not appear in the case as a witness, was a marked indication of weakness, especially as there was no other effort to rebut the evidence in support of the main allegations. That effort, especially after the board had so repeatedly and so strongly denounced it, was insubordinate and disrespectful, and an offense against the dignity of the board, then sitting as a court.

Second. The defense claimed that the numerous arrests of proprietor of houses of ill-fame, gambling-houses, and of other places used for immoral purposes, showed efficiency and watchfulness on the part of the defendant, and insisted that these arrests were made either by his own direct action or by members of his force acting under his orders.

While it is true the raids upon these immoral resorts and the arrests of proprietors were, in many cases, made by Captain Williams' force, it is, nevertheless, also true that in many and important cases they were made from the central office, under the lead of superintendent or inspector, and sometimes of both, without the knowledge of Captain Williams. In fact, in far the greater number of cases the arrests were made on the often repeated complaint of outside parties and by direction and orders from the central office. A marked instance is given in the testimony of the Rev. Cornelius Praetori. This gentleman had made several complaints to the superintendent, which were referred to Captain Williams, who strove to induce Mr. Praetori not to proceed any further. Finally, when compelled to act, he secured warrants of arrest, on his own affidavit, that "the houses were, to his knowledge and belief, used for immoral purposes," and arrested some 13 alleged offenders. Yet, surprising as it may be, he professed to know nothing against the arrested parties, and failed to aid Mr. Praetori in having the accused held for trial, and thus to relieve the vicinity of the reverend gentleman's home and church and the street of disorderly persons, who were annoying his congregation, his friends and the passers-by. Captain Williams took this course, notwithstanding that at least as far back as October, 1885, he had been reporting each one of the arrested proprietors as keepers of "alleged houses of prostitution" or "alleged assignation houses," and each of them was living but a short distance from the station-house, especially the one selected for a test case.

It may also be surprising to learn that since the date of the arrests made at the instigation of the Rev. Cornelius Praetori scarcely any of such arrests or raids have been made on the complaint of Captain Williams, or of any of his force, up to the date in May of the presentation of these charges to the mayor. But between the time these charges became known and the date of trial there have been 10 arrests of proprietors of houses of ill-fame, and there has been obtained by Captain Williams evidence to convict others, which has been professedly laid before the grand jury; all of these were complained of by this clergyman, and, with many others, had been reported by the captain from October, 1885, as keeping such houses, but, unrestrained by him, had been permitted to pursue their immoral practices. It is hardly creditable that the fear of these charges or the mere desire to be credited with these arrests, in order to prove his watchfulness and promptitude, was the cause of Captain Williams' spasmodic application of the power of the law. There is an alternative conclusion, and perhaps the only authoritative conclusion, to be reached. Just before these arrests were made and evidence for conviction was secured, Mr. Praetori made reiterated complaints against these houses in Thirty-first street. These complaints, after being presented to the mayor, were promptly forwarded to this board by his honor, and by us to the superintendent of police.

Urgent instructions, pertinent to the case, were at once given to Captain Williams, and the result was as above stated. Under such circumstances can it be claimed that Captain Williams performed this duty under his own sense of what that duty demanded? Is there any other conclusion than that he was forced to do that which he had long neglected, though he knew his obligations and how to fulfill them?

Third. The defense asserts that to interfere with these and other acts of disorderly conduct by occupants of houses of ill-repute would only drive them further uptown or into tenement-houses, and would cause each vacated house to be occupied by several families of colored people. The question as to who shall occupy a house rests with the owner, at least until the occupant proves to be bad. The police have nothing to do with it; their business is to maintain order. This is no answer to the charge, and can not be pleaded as an excuse for the non-punishment of persons who are undoubtedly guilty of breaking the law. Respectable citizens in this investigation, under oath, have portrayed the direputable proceedings in these streets in such a manner that no other conclusion can be reached than that these

violations of the law are protected by the police. The houses from which these lewd women sally at early hours in the evening or exhibit from their windows their disrobed bodies, and thus entice visitors, are in a thickly settled part of the city, where property is valuable. According to the experience of the past, derived from what once was the case in other parts of the city, houses in localities much more disreputable have become reputable and profitably occupied, simply because the police properly performed their duty.

Fourth. The fact that these houses of ill-repute—"houses of assignation," "houses of prostitution," "gambling-houses," "policy and bunco shops"—do exist, and have existed, in various parts of the precinct and that Captain Williams and his force have long known that they existed, and have rarely interfered with them, is sufficient to warrant the conclusion that they are permitted to carry on their nefarious business, if not protected in it. The failure to suppress them, or, at least, to prevent their obnoxious obtrusion upon the eyes of the public, coupled with the fact that when trespassers from them are arrested, the evidence against the offenders is insufficient to hold them for trial, justly leads to the conclusion that the police of the Nineteenth precinct are either ignorant of their duty, or indifferent to its performance, or that, knowing it, they are restrained, from some cause or influence, from executing it, except under the pressure of public complaint and exposure. Let the matter be considered that this failure is either the result of ignorance, willful neglect or willful blindness or silence, there is, in my mind, but one conclusion to be derived from the evidence in this trial, that Captain Williams is, and has been negligent of his duty to the extent as charged of "Conduct unbecoming an officer."

Having come to the above conclusion, from my study of the facts and evidence in the proceedings of this case, I am prepared to give my vote on each specification and upon the charge, and shall do so in accord with this conclusion, unless, as I stated heretofore, my conclusions are changed by the presentation of other reasons and facts convincing me that I have erred.

Police Department,
300 Mulberry street, New York City,

August 2, 1887.

The vote stood—

For conviction — Commissioners Porter, Voorhis.

For acquittal — Commissioners French, McClave.

PRESENTMENT OF GRAND JURY, MAY, 1883.

This presentment was signed by F. B. Thurber, foreman, and charged Captain Williams and another with having been notified by Anthony Comstock of the existence of gambling-houses in their precincts, and that they made no attempt to close the establishments, and recommended their dismissal from the force by the police board.

EXHIBIT 3, OCT. 2, 1894, L. W. H.

BOARD OF POLICE.

WILLIAM MURRAY, SUPT.,	Complt.,	} <i>Tried August, 1889. Commissioners voted August, 1889. A tie vote, and defendants neither acquitted nor convicted.</i>
<i>against</i>		
EDWARD CARPENTER, CAPT.,	Deft.	
SAME		
<i>against</i>		
WILLIAM W. McLAUGHLIN, CAPT.,	Deft.	

CHARGES, SPECIAL POLICE RULES, BRIEF FOR PROSECUTION.

Frank Moss, for the corporation counsel, counsel for the complainant.

William F. Howe, counsel for defendant.

The charges were preferred by the superintendent, on information signed by Howard Crosby.

NOTICE OF EXAMINATION.

Police Department of the City of New York,
300 Mulberry Street.

New York, August 1, 1889.

To Edward Carpenter:

Sir.—Take notice that charges have been preferred against you to the board of police of the police department of the city of New York, which charges are now on file in the office of the

clerk of the board, at No. 300 Mulberry street, and a copy thereof is hereto annexed. You are hereby notified and required to answer the said charges, in accordance with, and in the manner required by, the rules and regulations for the government of the police force.

You will also take notice that such charges will be publicly examined into by and before a commissioner or commissioners of police, at the court-room of the said board, No. 300 Mulberry street, in the said city, on the 6th of August, A. D. 1889, at 10:30 o'clock, a. m., and will be continued as ordered until it is concluded.

(Signed) WM. H. KIPP,
Chief Clerk.

August 1, 1889.

To the Board of Police of the Police Department of the City of New York:

I hereby charge Captain Edward Carpenter, of the Fourth precinct, with neglect of duty.

SPECIFICATIONS.

In this, to-wit:

First. That on, and prior to, the 8th day of May, 1889, a gambling-house was kept and maintained in the house and premises known as No. 15 Ann street, in the city of New York, which house and premises were situated within the Fourth police precinct, which was, at all times during said period, under the command and supervision of said Edward Carpenter, as captain assigned to command the police force therein.

Second. That for a long period prior to said 8th day of May, 1889, the second floor of said premises, 15 Ann street, was commonly reputed to be kept and maintained as a gambling-house, and was, as such, well known to many persons.

Third. That at divers times since the 21st day of May gambling has been carried on upon said premises, 15 Ann street, in the said Fourth precinct, and said premises have been kept and maintained as a gambling-house.

Fourth. That said Edward Carpenter, prior to May 8, 1889, and since said date, has had knowledge of the keeping of said gambling-house on said premises, or has been ignorant thereof

by reason of his neglect to use reasonable vigilance and diligence to ascertain and discover the same.

Fifth. That on, or prior to, May 8, 1889, private citizens and officers from police headquarters, without the aid or co-operation of said Edward Carpenter, obtained evidence that gambling was being conducted on said premises, and caused the said premises to be raided, and its keepers to be arrested, and certain apparatus then and there used for gambling purposes to be seized; and that upon a trial of the said prisoners at the Special Sessions, in the city and county of New York, they were, on or about May 21, 1889, duly convicted upon a charge of keeping a gambling-house

WILLIAM MURRAY,
Superintendent.

Witness: D. J. Whitney.

I admit due personal service on me of copies of the above complaint, charges, specifications and notice of examination.

(Signed) EDWARD CARPENTER,

The charges against Captain McLaughlin were in the same form, but referred to No. 86 Fulton street.

POLICE RULES.

June 10, 1879. Resolved, That the following orders be published for the guidance of the police force.

Ordered: 1st. That hereafter whenever a gambling house or policy shop shall be closed or pulled by an inspector of police, without the aid of the captain of the precinct in which such house is located, the inspector shall immediately make charges against the captain of the said precinct for neglect of duty in not enforcing the law.

2d. That hereafter whenever the superintendent of police shall, in like manner, cause to be closed or pulled a gambling-house or policy shop, without the aid of the inspector of the district or captain of the precinct in which such house is situated, he shall make charges against the inspector and captain for neglect of duty as above.

3d. That hereafter whenever a gambling-house or policy shop shall be closed or pulled within the limits of the city, without the aid of the superintendent of police or the inspector of the district, or captain of the precinct, the chief clerk shall, upon receiving information to that effect, make charges against said inspector of police and such captain of precinct.

BOARD OF POLICE.

IN THE MATTER OF THE CHARGES AGAINST POLICE CAPTAINS WILLIAM W. McLAUGHLIN AND EDWARD CARPENTER.

BRIEF FOR THE PROSECUTION.

First. The principal effort of the defendants was to vilify Mr. Whitney, rather than to explain their failure to abate gambling-houses. This attempt was not made in good faith, for they did not deny or seek to controvert any of his direct testimony. It was a deliberate attempt to turn attention from the charges against the captains by putting Mr. Whitney on trial instead of them (using Mr. Howe's own statement), and was doubtless intended as a warning that citizens must not meddle with officers on the delicate subject of gambling. The employment of counsel who is the recognized champion of New York gamblers was suggestive, and his torrent of abuse, coming from such a source and against one of New York's best citizens, has caused wonder and disgust throughout the city.

The irrelevant and outrageous testimony of Inspector Williams was plainly the outcome of personal spite, and was in no way calculated to affect the result of the case, for Mr. Whitney's reputation for veracity and soberness was entirely immaterial. Your records show that this same Williams was presented to the board of police by the grand jury of May, 1883, as being unfit to remain on the force, by reason of his willful failure to close gambling-houses in the then Twenty-ninth precinct; and will also show that on his trial before the commissioners in July, 1887, on a charge of willfully neglecting to perform his

duty as to many houses of prostitution in the precinct which he then commanded, one-half of the board voted him guilty; and that he never, by any deciding vote, has been relieved from the imputations of either charge. His testimony and conduct on this trial certainly were unbecoming his position on the police force. Williams has a personal interest in these proceedings, for both houses are within his district, and he is equally responsible with the captains.

We think the board should rebuke the captain in whose name, and by whose sanction, these things were done, the inspector who lowered his official dignity to vent his spite on a citizen, and the counsel who, notwithstanding his own vulnerable record, attempted, in methods foreign to any rule of proceeding, to traduce a reputable and upright man, and to smirch the name of an absent woman.

Has it come to this, that a citizen can not take a position against an officer in the way provided by law, without having to run the gauntlet of vituperation and slander? The board can not have the approval of an observing public unless it rebuke and punish those who have so foully offended decency and honorable practice.

Second. Certain facts appear plainly from the evidence:

1. The houses in question were gambling-houses.
2. They were well known as such.
3. The captains knew of them, and reported them regularly to the superintendent.
4. The superintendent and Mr. Whitney both urged the captains to close the houses.

5. Neither captain made any raid or arrest at either of the houses, except that in June, 1888, Captain McLaughlin arrested Miller and Tompkins, proprietors of 86 Fulton street, on warrants which the complainant Weldon had obtained without the captain's help, after an unavailing complaint to him. The men so arrested were held for trial by a police justice. Captain McLaughlin did not make any use of Weldon to get his detectives or others into the house.

6. On May 3, 1889, both houses were raided by central office men, on warrants issued on the evidence of civilians, and gambling paraphernalia was seized and prisoners taken, and on May 20 and 21, 1889, the prisoners were convicted, all the proceedings having been taken without any aid from the captains.

7. Gambling was being carried on at 15 Ann street on June 15, 1889 (after the raid), with full paraphernalia.

Third. A special responsibility as to gambling-houses rests on the police force.

(a) Rule 414, which is a copy of section 282 of the Consolidation Act, makes it the duty of the police, "at all times of the day and night, * * * to prevent crime, detect and arrest offenders, * * * carefully observe and inspect all * * * gambling-houses, * * * and to repress all unlawful or disorderly conduct or practice therein, * * * and for the purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes and offenses.

(b) Rule 56 requires captains to be diligent in enforcing the laws relating to gambling.

(c) Rule 82 requires captains to give notice to owners when their property is used for gambling, and if the occupation is continued, to obtain warrants and cause arrest of owners and occupants, and to prosecute them in the police courts and before the grand jury.

With these requirements upon them, how tender the captains seem to feel about the ethics of their calling. They do not scorn to do fine detective work in some branches of their business, but when it comes to gambling-houses, then the artifices necessary to pass the bars are beneath the dignity of their office. The situation is a queer one indeed.

Fourth. The facts being as above stated, there is one other inquiry to be made, viz.: Did the captains take proper means to get evidence against the houses and to abate them? Upon this question we are willing to rest the cases on their own evidence. That the houses were difficult of entrance did not lessen their duty, but enhanced it, and made it necessary to employ means suitable to accomplish the desired end (if, in fact, it ever was desired). What was done? Twenty police officers, more or less, under the direction of able captains, innocently walked to the gambling-houses, knocked for admission or essayed to enter behind others, and were turned away day after day. One officer did this a thousand times. Another hung around in such a way that, as he put it (substantially), the people about the place said to him, "What are you doing, Oates?" and he responded that he was "Trying to make a case;" this same officer

admitted his familiarity with Tompkins and Miller, the proprietors. Not once was any artifice used to get inside the guarded door; never was an intelligent attempt made to become acquainted with frequenters of the game; nor did either captain give any special instruction as to the methods to be employed in endeavoring to gain entrance. How easily might Captain McLaughlin have used Weldon, who had gambled at 86 Fulton street, as a means of getting men into the place, but this he made no attempt to do. On the trial this captain made a fine show of disdaining to employ such a method, and yet he gave a young, innocent civilian a few dollars, ostensibly to use as a means of getting admittance. What a farce! The means which would occur to the meanest tyro in detective work were never employed.

The captains, according to the superintendent, are among the best on the force, and it is not reasonable to suppose them actually incompetent (though they endeavored to excuse their failures by showing their incompetency); their successes in other directions show what they can do when willing. But the evidence does not show that either of them ever made any personal observation, inspection, investigation or effort to obtain the requisite evidence, which they should have done in compliance with the rules, and which was incumbent on them if the houses were as difficult as represented. The difficulty of gaining admission is no help to them, for thereby was imposed upon them personal duties of diligence, detective effort and personal investigation that were never performed. Neither captain complied personally with Rule 414, or gave adequate or sensible instructions to his men. The officers all told the same story of foolish procedure, and all united in saying that they reported their methods to their captains, and did not receive any instructions to do differently.

Fifth. The captains admitted the existence of these gambling-houses, and attempted to show great efforts to obtain evidence against them; and yet they did not show a particle of success, a shred of evidence obtained, nor any attempt at an offensive movement, though the houses had been maintained for a long time. Shall it be conceded that the police force of the city is utterly incompetent to make headway against this form of evil? If not, then the board must take such action in these cases as will inaugurate a new era in the First and Fourth precincts in the matter of dealing with gambling-houses.

Sixth. The records of the police department show many gambling-houses throughout the city reported quarterly by the captains, and others are known to the public, yet raids and arrests are few and far between. This is no wonder if there is manifested toward them generally the same gentle and peaceable disposition that has characterized the conduct of the defendants.

Seventh. The defendants are guilty of neglect of duty; as charged.

Dated August 10, 1889.

FRANK MOSS,

For the Corporation Counsel.

The brief and the evidence were referred by the board to Commissioner Voorhis, who reported that the brief was sustained by the evidence.

The vote stood:

For conviction, Commissioners Voorhis, MacLean.

For acquittal, Commissioners McClave, Martin.

EXHIBIT 1, OCT. 3, 1894, L. W. H.

Laws of 1882, Chapter 384.

§ 571. A person who, having theretofore executed a mortgage of personal property, or any instrument intended to operate as such, sells, assigns, exchanges, secretes or otherwise disposes of any part of the property, upon which the mortgage or other instrument is at the time a lien, with intent thereby to defraud the mortgagee, or a purchaser thereof, is guilty of a misdemeanor.

Know all men by these presents, that I, David Kronmann, of the city of New York, county of New York and State of New York, in consideration of one dollar paid by G. Munk, the receipt whereof is hereby acknowledged, do hereby grant, sell, transfer and deliver unto the said G. Munk the following goods and chattels, namely: 1 large glass case, 1 writing desk and store tables, 1 B. W. looking glass, all goods contained in merchant tailor store 1841 Third avenue, such as remnants of cloth, ready-made clothing, 1 Singer sewing machine No. 10,375,193, 1 bureau, 1 parlor table, 1 lounge, hanging lamp, 4 C. B. chairs, 1 rocker, 3 W. W. bedsteads and springs, 1 icebox, 1 range and all other furniture, carpets, ornaments, fixtures, picture frames, bedding, linen, glassware, kitchen utensils and everything else of any description not mentioned in the foregoing schedule

(Signed) D. KRONMANN.

Now contained in the premises No. 1841 Third avenue, city of New York, county of New York, State of New York.

To have and to hold all and singular the said goods and chattels to the said G. Munk and his executors, administrators and assigns, to their own use and behoof forever.

And I hereby covenant with the grantee that I am the lawful owner of said goods and chattels, that they are free from all incumbrances, that I have good right to sell the same as aforesaid, and that I will warrant and defend the same against the lawful claims and demands of all persons, provided, nevertheless, that if I, or my executors or assigns, shall pay unto the grantee or his executors, administrators or assigns, the sum of seventy (\$70) dollars on demand with legal interest, and, until such payment, shall not waste or destroy the said goods and chattels, nor suffer them, or any part of them, to leave said premises, and shall not, except upon the consent in writing of the grantee or his legal representatives, attempt to sell or to remove from said premises the same, or any part thereof, then this deed, as also a note of even date herewith, signed by me, whereby I promised to pay the grantee or his order the said sum and interest at the times aforesaid, shall be void.

And it is agreed that until default in the performance of the condition of this deed, I and my executors, administrators and assigns, may retain possession of the above mortgaged property and may use and enjoy the same.

In witness whereof, I hereunto set my hand and seal this 13th day of March, 1893.

Signed, sealed and delivered in the presence of

(Seal)

DAVID KRONMANN.

Exhibit 1, October 3, 1894.

Mr. Moss.—Your honors will remember that the Rev. Mr. Willcocks testified some time ago. His testimony is found at page 2167. When he left the stand he was requested to write a statement in amplification of his testimony, which he promised to do.

“At your request I forward you the following, relative to my testimony before the Senate investigating committee. The event testified to occurred upon Tuesday, February 6, 1894, a. m. The parties engaged being bartender John —— and

Officer Fred. Probst, No. 1204, whose post of duty, as I was informed, was and is Washington Market, and the place of the event was at the entrance of the saloon of J. H. and H. Wellbrock, No. 61 Vesey street. The above corrects my testimony, upon the witness stand in one or two points, i. e., first, as to date, the time of the narrated incident being a month earlier than I witnessed to; second, the situation of No. 61 Vesey street, it being one block farther west on the street than I testified to. With the hope that this explanation covers the information which both Mr. Goff and yourself desired in connection with my testimony, I remain, very truly yours, William Willcocks, Plattekill, N. Y." This gentleman testified from recollection, but said he had memoranda at home which he would examine. The statement referred to was marked Exhibit 2, October 3, 1894, L. W. H.

John W. Welsh, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Walsh:

Q. What is your name? A. John W. Welsh.

Q. Are you a jeweller? A. I am.

Q. At Greenwich street, near Barclay? A. Near Murray street.

Q. Have you had any relations with a policeman lately? A. Not lately.

Q. When did you have anything to do with a policeman? A. Well, three years ago in September, my tenant, Mr. Buck, the baker, came to me and said, that Officer Hickey, because he did not give him desert and cigar, had said he would report him for a sign I had on my awning — I put up an awning there, and also a wagon; the baker appeared very excited; I went out to the officer and said to Mr. Hickey, "That sign will stay there longer than you have buttons on your coat, you dirty black-mailer you, and don't you forget it;" this was in September; in March, corporation notice came to Mr. Buck, and he being my tenant, I went up there; they were about to fine Mr. Buck; I says, "Your honor," Judge Mitchell was on the bench, "Can I say a word?" he said, "Certainly, Mr. Welsh, whatever you wish to say;" "I say, your honor, because this man could not get his lunch and cigar there for nothing, he made this com-

plaint, and I told this man it would stay there longer than he had buttons on his coat, and I repeat it now in court."

By Senator O'Connor:

Q. Was it a sign in violation of the ordinance? A. No, sir; it is on the awning, and the board of aldermen gave permission to have the awning up, and it is over there, and it has been over there for years and years.

By Mr. Moss:

Q. Was any sum of money mentioned when Mr. Hickey made his demand? A. Not that I heard; it was the baker told me that.

Q. Have you had any other trouble from any city department since that time? A. Yes; I have a man since, in the building department, a man who demanded \$10, and I refused to give it to him.

Q. Have you had any trouble with the corporation in regard to the building spout? A. That was in another department; it was because I did not vote for Judge Maynard; I was told at the polls if I did not vote for Judge Maynard I will get myself in trouble; I did not see fit to do it, and didn't do it.

By Senator Bradley:

Q. Who told you to do that? A. A heeler around Thirty-fifth street; I do not know the man; I allow no man to blackmail me.

Mr. Moss.—That is all. Officer Hussey, will you, please, take the stand?

Ambrose W. Hussey, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to, officer? A. Twelfth precinct.

Q. Twelfth precinct now? A. Thirty-first now.

Q. When did you leave the Twelfth precinct? A. I left it on the seventh of last month, of August.

Q. Were you a wardman in the Twelfth precinct? A. Yes, sir.

Q. Were there many diorderly houses in the Twelfth precinct? A. No, sir; very few.

Q. How long were you wardman? A. About two years and two months.

Q. In that time how many complaints did you take into the police court? A. I should judge about 10.

Q. No more than 10, for all cases? A. Oh, no; I could not count them; I could not answer that question without looking over the records.

Q. You say there were about 10 of the disorderly houses; is that what I understand? A. Yes.

Q. Who was your partner, your fellow wardman? A. Edward Shalby.

Q. Where is he now? A. Eighteenth precinct.

Q. How many of the 10 persons whom you arrested for keeping disorderly houses were convicted? A. Three or four.

Q. Do you know a man of the name of Joseph Block? A. Yes, sir.

Q. Where does he live? A. He lives now in a place called Plainfield.

Q. You brought Joseph Block to the office of Mr. Goff and to the office of Mr. Moss recently; didn't you? A. Yes, sir.

Q. Since the case of Mrs. Urchittel was mentioned in the newspapers? A. I did

Q. Did you arrest Mrs. Urchittel at any time? A. Yes, sir.

Q. Do you remember the date? A. I do.

Mr. Moss.—I read in evidence from the blotter of the Twelfth precinct for May 10, 1893. "Wednesday, May 10, 1893, 10:30 p. m. Annie Rochitel, 36 years, white, Russian, storekeeper, single, can not read or write, 37 Ridge street, name complainant, Joseph Takata, residence 124 Goerick street, Officers Shalby and Hussey, keeping disorderly house. Prisoner was arrested on a warrant issued by Justice Taintor in Essex Market court, charged with keeping a disorderly house in the rear room of candy store, 37 Ridge street, \$500 bail to answer. Painter. To the Eleventh precinct."

Q. That means the prisoner was taken to the Eleventh precinct station-house? A. Yes, sir.

Q. May 17, 1893; fined \$50; Justice Hogan presiding.

Q. Is that the Mrs. Urchittel of whom you spoke? A. Yes, sir.

Q. At the time when you arrested her, 10:30 Wednesday night, did you take her directly to the station-house? **A.** Not at 10:30; we put her in the station-house, and my partner went around to take care of the children which were around in her store.

Q. The question is, when you arrested her did you take her right to the station-house? **A.** Direct to the station-house, me and my partner took her and another man.

Q. Did you walk around with her and spend any time after you arrested her? **A.** No; my partner took her around to the station-house, and not me.

Q. You have read the statement made by Mrs. Urchittel that someone demanded money from her and received \$25; have you read it? **A.** Yes, sir.

Q. In the newspapers; are you the man? **A.** No, sir.

Q. You say you are not the man? **A.** I am not the man.

Q. Did you appear at the Special Sessions upon the trial of Mrs. Urchittel? **A.** I did.

Q. May I ask you, officer, if you know whether or not Mrs. Urchittel had a demand made on her for money by any policeman? **A.** Only from hearsay.

Q. What do you mean by hearsay? **A.** The night I was taking Mrs. Urchittel from the Delancey station-house to Eldridge street, I was walking up Delancey street with her; quite a crowd was following; a young man by the name of Joseph Block crossed the street, and Mrs. Urchittel made a grab at him, and I grabbed for her arm and said, "What is the matter with her," to Block; and she said something in Russian, and I said "What is the matter with her," and he said, she thinks I gave her up; he said he was not the fellow who gave her up, and then she spoke to him on the way up; she then stated she had been arrested, that I was not as good a man as in the other station-house; then I let her go; she told this to Block; I asked Block "What is the matter;" he said he knew her, and she told him she was arrested and let go in the street for \$25; I said it was an outrage, and I immediately took her to the Eldridge station-house; and I came out and went back to my own station-house and got a drink of water, and got home at half-past 11 that night.

Q. Was there anything said at that time about her stocking having been taken down to get money from it? **A.** No; not at that time.

Q. Have you within a recent period stated yourself the name of any police officer whom you charged with having taken the money from Mrs. Urchittel? **A.** I did, sir; I will tell you how that came about.

Q. You did; whose name did you mention? **A.** Well, I was not sure of it until I sent for this Block.

Q. Whose name did you mention? **A.** I mentioned — I thought it was some officer in the Eleventh precinct.

Q. Whose name did you mention? **A.** A man by the name of Charles A. Place.

Q. Is he present in court? **A.** I believe so.

Q. Mr. Place? (Mr. Place stands up). Is that the man you mention? **A.** Yes, sir.

Q. I ask you again so as to be very careful, haven't you yourself, within a week or so, stated in so many words, that money was taken from Mrs. Urchittel, and that the man who took it was Charles A. Place? **A.** I do not know; I could not say that; I stated that Block said so.

Q. Then you qualify it by saying that you only know it as the intimation of Mr. Block? **A.** I could not say that; I don't know anything about the arrest.

By Senator O'Connor.

Q. Did you state within the last week that this man Place took the money? **A.** I could not state that.

Q. Did you state that to any one? **A.** No, sir; I did not.

By Mr. Moss:

Q. Didn't you state that in that office, that Mr. Place took the money? **A.** If I did, I made a mistake; I could not state that; I did not know anything about that arrest that night.

Q. When was it that Mr. Block told you that Mr. Place took the money? **A.** He told me — I sent a postal card to Plainfield, to Joseph Block; he came to my house Sunday morning; I told him I was in trouble with my wife and sister and felt pretty bad, and asked him to please give me the officer; and he declined to at first, and after a good deal of coaxing; I said, I know it is Foley; and he said, "No, it is not Foley, it is Place."

Q. You said it was Foley? **A.** Yes.

Q. And he corrected you and said it was Place?

Q. And there was an expression of the fact that some police officer had taken the money from her? A. That is what he said; he was there in company when the job was done.

Q. How long have you known Joseph Block? A. Just about two years, or two years and a couple of months.

Q. What business has he been in since you have known him? A. He has been a shoe clerk.

Q. How intimately have you known him? A. Only he was in my employ.

Q. In what capacity? A. Securing evidence; when I failed to secure evidence in a place, he got it for me.

Q. Was he what is called a stool-pigeon? A. He was, at that time.

Q. You had no friendly relations with him? A. Not at all.

Q. Did you treat him on terms of equality? A. No; I only paid him; the captain allowed me sometimes; he told me if I got any cases that I could put in my bill, and send it over to headquarters, but I never done it, but done it from my own pocket.

Q. You didn't call Block your friend, did you? A. Any man that works for you I consider a friend.

Q. You called Mr. Block your friend? A. Yes; on account of him doing work for me.

Q. The stool-pigeon was your friend, then? A. Yes; he was my friend for doing work for me.

Q. Did he ever come to your house? A. He did, on two occasions when I sent for him.

Q. Did he ever eat with you? A. No, sir; I asked him to eat with me, and he refused.

Q. Do you remember Mr. Block making a statement at my office? A. I do.

Mr. Goff.—Mr. Chairman and gentlemen, owing to the pressure of business on the district attorney—this examination probably will occupy considerable time—I desire to call the attention of the committee to a matter affecting the district attorney; and it is of simple justice to him, and in order to have the matter clearly presented. In the early part of this investigation we were hampered very much with the dread of witnesses to come here, believing that they would be subjected to some kind of persecution or prosecution. Some witnesses against whom charges were pending, trembled at the thought

of coming here, because they thought if they did so the power of the police would be invoked, and that they would be railroaded to the State's prison. Other witnesses who had not been leading lives within the law, who have been guilty of offenses, they felt terrorized that if they came forward and testified, that the power of the police was so omnipotent in this city, that those charges would be resurrected against them, and they would be indicted, and as many of them put it to me, that inasmuch as they had control of the whole criminal authorities of this State, a man was practically in the hands of the men identified with the police, and in their interests, it was worth their life to come here and testify. In this dilemma I saw Colonel Fellows. I told him the situation, and pointed out to him the great difficulties we had and asked him as a public officer, to come here before the committee and state his position upon that question. I submitted to him as to the attitude that he, as prosecuting officer of this county, would assume toward any person who might testify before this committee. Colonel Fellows came, and if you remember, Senators, that he then publicly stated that any person who might come here before this committee, and who would testify, and over whose head any criminal charge was pending, that he would not have that charge prosecuted on account of or by reason of that witness giving such testimony, and that that witness would not be in any way interfered with or hampered. Again, he stated that any witness who had heretofore been guilty of offenses and he had never been brought to justice, if such witness came forward here and testified, that he, as district attorney, would not permit the prosecution of any charges against such witnesses; and again, that in the case of certain witnesses then in prison, that by their coming forward here, he should use his best endeavors, notably in the case of Mrs. Cohen, who was then in prison, that he should use his best endeavors to obtain her discharge from prison by reason of her coming forward here and testifying. All these matters I must say in justice to Col. Fellows, have been carried out strictly and honorably. So far as the district attorney's office is concerned, and has been concerned, in these matters, not one person who has testified here has been in any way subjected to annoyance from that fact. If witnesses have been annoyed in any way, the district attorney's office is not chargeable with that offense. On the other hand,

I would also state that, in the matter of obtaining indictments against persons who have refused to obey subpoenas, etc., Col. Fellows has placed his office at the disposal of this committee, and has done everything in his power to meet and comply with its request. I would, therefore, say, as a matter of justice, because no question of politics or party can enter into this, this is a matter of the administration of the criminal justice in this city, and no matter how I may differ with Col. Fellows on questions of politics, and he may differ with me, yet right is right, and I believe that this committee wish and always have evinced the desire to treat every one right, and not pursue its investigation upon any particular lines for the purpose of prosecuting or interfering in an unjust manner with any official in this city, policeman or otherwise. I deem this a matter of justice to call the attention of the committee to the attitude of Col. Fellows in this matter.

Now there is a further and a very important question. The first time that a request came from the police commissioners as to the propriety of their proceeding with the trials of officers whose names have been exposed here in the evidence, this committee expressed itself by formal letter through the superintendent of police to the commission, I think on the 17th of May, if I mistake not the date, or the 27th, that in the opinion of this committee the conducting or the initiation or prosecution of other proceedings, criminal or departmental, against officials charged before this committee with acts of bribery or corruption, would in their opinion hamper the investigation and produce the result of interfering and intimidating their witnesses; because, as was pointed out at that time, if a witness came here and testified before the investigation, and then that witness should be dragged before the police commissioners to testify again, and the witness should be dragged again before the grand jury to testify, that it would so harass and discourage people from coming here that it would seriously interfere with us in obtaining any evidence whatever; and Col. Fellows then, in response to a request of the committee, and to an expression of the committee of its views on that matter, publicly and openly stated that no prosecution would be had or initiated by him against persons implicated by the evidence here, unless on the consent, consultation and advice of this committee; and upon that understanding the matter has rested since. I deem this

my duty to state to the committee and also as a matter of justice to the public prosecutor of this county.

Col. Fellows.—Will the committee permit me a statement?

Chairman O'Connor.—Certainly.

Col. Fellows.—Mr. Goff has correctly presented the attitude assumed by the district attorney toward this committee at the outset of this proceeding. You will remember I came before the committee on one occasion and stated that it must not be understood that the administration of the criminal law was to be stopped by reason of the proceedings of this committee; that an impression had gone out somehow, I heard it directly from the Tombs, that persons who were therein confined on charges, if they came before this committee and gave testimony, would be relieved of responsibility from those charges; that I wished it understood that the district attorney could not abdicate his office and turn the criminals loose by reason of their testifying here, but that, as Mr. Goff has said, the district attorney's office is not to be used in any way for the purpose of prosecuting or intimidating people who do give their testimony before this committee. I should not have come here to-day but for the fact that recently in the constitution of the October term of the grand jury the statutory charge presented 12 times a year, which requires the grand jury to look into the willful and corrupt conduct of officials in office, was emphasized, very properly, by Judge Cowing, as was also the prevalence of certain crimes upon the street by reason of the fact that these were existing facts as they had not been before; and I have been criticised, I am informed, 'in some of the papers—I have not read it myself—very severely as having utterly disregarded my duty as district attorney. I only came here this morning to put myself right, and it seemed to me that the proper place should be in the presence of this committee. This committee is the outcome of the highest power in the State—its legislature, or one branch of it. Its proceedings are of a judicial character. The scope and compass of the authority of the committee is that defined. They have a power which must not be interfered with or hindered in any way. I, and all other officials of the State, must recognize it, for it is the voice of the law-making power of the State. I have, therefore, deemed that, although the statutes generally require of the district attorney that he shall constantly bring to the notice of the grand

jury offenses which may take place within the scope of his jurisdiction, yet that has always to be limited and interpreted by the one doing it as will best conduce to the public safety and public interest; and when a court is authorized by a Legislature to investigate certain matters it may well be that a conflict of jurisdiction might hamper very seriously that investigation. Therefore, it was, at the request of this committee and upon full consultation with them, after their statement that in consideration of these charges it was likely to embarrass and hinder their action, that I stated to the committee that no such course would be taken; that I should not go into the work which this committee declared would embarrass and prevent proper consideration of the work assigned to them. It is well now that the community should know that the district attorney has refrained from the presentation of accusations to the grand jury by reason of the fact that this committee have deemed that it would be of serious obstruction to the conduct of their investigation. I shall still recognize that higher paramount authority. I shall not do that which in the judgment of this committee while it is sitting will at all interfere with the proper discharge of their duties. It is eminently proper, I think, that those who are charged with these responsibilities both on the part of your committee and on the part of the prosecuting officer, shall co-operate in such way as shall best serve the public interest. I have deemed it my duty to say that to the committee.

Chairman O'Connor.—Col. Fellows, Mr. Goff has expressed the sentiments of this committee, as they understand the situation. The committee are unanimous in the opinion that not only have they not been embarrassed by the district attorney's office, but have been very efficiently aided. Our understanding is that. That after consultation with our counsel, and that it was at the suggestion of the committee. The gentlemen of the committee do not criticise anything you have done. You are entitled to the credit of the citizens of New York. That is the way we feel about it; and we feel that your department has, probably, paid more attention to our requests than any other department of the city. Mr. Goff very well knows how serious the investigation of this committee can be impeded by hostility from your office. We have not experienced it. On the contrary, we have experienced aid in this investigation, and the committee are very grateful for it.

(Examination of Ambrose W. Hussey resumed by Mr. Goff.)

Q. Mr. Hussey, you brought Mr. Block to my office, didn't you?

A. Yes, sir.

Q. And he there made a statement? A. He did.

Q. And after having a conversation, he called in a stenographer, if you remember? A. Yes, sir.

Q. And the statement was summarized and given to the stenographer in his presence and in your presence? A. Yes, sir.

Q. That you recollect was a full account, was it, of all Mr. Block said, so far as you know? A. Yes, sir.

Q. Let me read you a rough statement? A. If you recognize this as a correct transcript.

"Joseph Block of No. 229 West Twelfth street, residence 137 Liberty street, Plainfield, N. J., says that he remembers Mrs. Urchittel; that he remembers that she lived at 74 Orchard street, and that he had two or three rooms in back of a bologna store and that he has seen men go into the place, and that she had one girl there for business who was not her daughter. She is the same woman who was arrested by Detective Hussey from the cigar store, 37 Ridge street. She had a bad place at 37 Ridge street; I myself had connection with her in Orchard street. She invited me to stay with the girl. I know who it was who got the money from her. It was a policeman named Charles A. Place, now in the Fifth street station. I was acquainted with Mrs. U., and Policeman Place asked me to introduce him so that he might get evidence against her. I did introduce him and I know that he arrested her one Saturday morning and that she was allowed to go again, and Place told me himself that he got \$20 himself, and he gave \$10 to Mr. Goldberg, and Goldberg gave me \$2, which we spent. I was on the street when Detective Hussey arrested her finally, and she spoke to me as they passed by, and asked me if I was a witness, I said, "No," and I told Officer Hussey I will tell all about her. I have seen a man by the name of Meyer Marks, he has a large black moustache. I saw him go into Charles Smith's several times. I asked the woman who he was and she said he is the man who got my children away, and I want him to get them back again." Was that true, officer? A. Yes, sir.

Q. This statement was made by Mr. Block, whom you brought to me for the purpose of making this statement? A. Yes, sir.

Q. Did you have Mr. Block make another statement in the office of Mr. Goff? A. I took him to Mr. Goff; I did not hear the other statement.

Mr. Moss.—Let me read it to you. It is sworn —

The Witness.—I was not sworn and did not see him make that statement.

Q. Let me read it to you and see if it agrees with what Mr. Block and you have talked together.

“City and county of New York, ss.:

“Joseph Block, being duly sworn, says that of his own knowledge and belief, he met Caela Schimel in Brooklyn, where she had a restaurant; he staid with her there, and after she moved to New York he met her again, and at the place where she was living, 74 Orchard street, he had repeated connections with her; he, Block, used to get men to stay with her; Block, through Goldberg, made a date for Charley Place, a special policeman in Eldridge street station, to see Caela Schimel; he, Place, went with Block to Caela Schimel's place; went into a room with Caela Schimel; after a while she began to yell and cry, and Block went into the room; Place threatened to arrest her, and now before Block he said he would let her go for \$100.”

Q. Did Block tell you that? A. No, sir; not the \$100 part.

Q. “She yelled and cried she had no money; he then started to arrest her and brought her outside; they both came right back, and she then took money from her stocking and gave it to Place in the presence of Block; he then told her to get away from the locality as soon as possible, Goldberg claiming that Place got \$20, of which Place gave him \$5,” instead of \$10 as stated in the other statement; “Goldberg gave Block \$2 of this \$5; Joseph Block, sworn to before me, this 27th day of September, 1894; John H. Cohan, notary public, New York county.” Had Mr. Block told you in conversation that \$100 was named? A. He never told me about the \$100.

Q. Or that this woman cried or lamented in her room? A. No; he told me she was walked about the streets for a while.

Q. When you brought Mr. Block to my office you told him to tell the whole truth? A. Yes, sir; he said when he came out he told all he remembered.

Q. You took him to Mr. Goff's office to have an affidavit made? A. I took him to Mr. Goff's office to make an affidavit.

Q. Was this affidavit made after the statement in my office?

A. Yes, sir.

Q. Was the affidavit made while you were in Mr. Goff's office?

A. I was in Mr. Goff's office and left there to go to the General Sessions; I had a case on the calendar.

Q. Did you go back to Mr. Goff's office? A. No, sir.

Q. This is your signature? A. Yes, sir.

Q. Do you remember sending this letter to Mr. Block? A. I sent that letter.

Q. Then I read his letter in evidence:

"September 22, '94. Friend Joe:"

Q. That is your friend, the stool pigeon? A. Yes, sir.

Mr. Moss.—"Can you come up some day next week; if you do you will do me a big favor which I will never forget, if you can come up; will you send me the day and time you will come? Hoping you will oblige, I remain, your friend, Ambrose W. Hussey, 484 Grand street, New York city. P. S.—I will pay expenses."

Q. Have you paid Mr. Block any expenses? A. I have, sir.

Q. How much have you given him? A. I gave him a \$2 bill and a \$1 bill.

Q. Is that all? A. That is all.

Q. Haven't you given Mr. Block as much as \$5? A. This last time?

Q. Since you have been talking about this case? A. No, sir; a \$2 bill and a \$1 bill.

Q. Haven't you given him \$10? A. No, sir; \$2 on the first occasion, and \$1 on the second.

Q. Did he have to pay his car fare out of that? A. Yes; his car fare was \$1 excursion there and back.

Q. Did you take Mr. Block up to the Fifth street station and see Mr. Place? A. No, sir.

Q. Did you go to Mr. Place yourself? A. I did.

Q. Did you ask Mr. Place if he could do you the favor of testifying that Mrs. Urchitell kept a disorderly house? A. I did not; I did not ask him that way.

Q. What did you ask him about? A. I asked Place if he was implicated with the woman that kept a place at 74 Orchard street; he denied and said he was not in that business; he said he would help me out; I told him I didn't want any help; I said if you

haven't got any hand in it whatsoever I don't want none of your assistance; all I want is this woman closed; she is testifying to the committee, and Mr. Moss and everybody else and claiming she is an honorable and decent woman which I know is different; I want you to make a statement if you have any statement about 74 Orchard street; he says I don't; however let me come; I have two men that will help you out; I said I didn't want any help at all.

Q. Who were the two other men? A. Schindler and another man.

Q. Was it Cohen? A. I couldn't tell who was the other man; we had a talk in the hall.

Q. What do you understand it was he had two other men to help you for? A. I do not know what he meant.

Q. You could not offer any supposition? A. I do not know what he meant by it; I did not want his assistance.

Q. You don't want to expect anything wrong of him? A. I did not want to consider it at all; I did not want anything wrong in it at all.

Q. You thought there might be something wrong in the proposition? A. I didn't give it any thought at that time.

By Senator O'Connor:

Answer the question; you are too intelligent a man to answer that way.

The Witness.—The question is this: I did not want to think in my mind whatsoever; I didn't wish any assistance whatsoever.

Q. Your understanding was that he was willing to get a couple of men to swear to anything? A. I could not swear to that; he said, I will give you a hand out; they understood that, didn't they; I said I don't want any help out at all.

By Mr. Moss:

Q. Didn't you ask him to testify Mrs. Urchittel kept a disorderly house? A. No; I only wanted him to testify to the truth.

Q. Of course you wanted him to testify to the truth; but didn't you ask him to testify Mrs. Urchittel kept a disorderly house at 74 Orchard street; didn't you ask him to testify? A. Not that way; I asked him to testify if he had been to 74 Orchard street; I wanted him to let me know, and I said if you

have not been there, stand on your own bottom; I don't want any assistance from you; if you have not been there it is all very good; you keep on your own and I will keep on mine.

Q. Did Mr. Place say she kept a disorderly house? A. He did not deny; he did not have any communication, he said, there and Block said he took the money from her; Mr. Block told me he was threatened when he got the money.

Q. You made a statement here, didn't you? A. Yes, sir;

Q. Listen to this: "Detective Hussey tells me"—that was a statement of the stenographer in your presence—"that the place in the Eleventh precinct from which Mrs. Urchittel was driven was 74 Orchard street; she occupied two or three rooms back of a bologna store; "he says that he first heard that she lived in 74 Orchard street the other day since it was published in the newspapers; that is since she testified? A. Yes, sir.

Q. "And he went there and made inquiries and the man who kept a bologna shop said he remembered such a woman lived in those rooms, and she had men coming to see her, and the bologna man made trouble for her and put her out; I never knew she lived at 74 Orchard street before that; I didn't know of any other place in the Eleventh precinct where she lived." You made that statement? A. I did; that is true.

Q. You never knew of any place in the Eleventh precinct where she lived until you heard a few days ago? A. I did not.

Q. That was subsequent to her testimony here? A. Yes, sir.

Q. You never knew she had any store there? A. No; the only place I know was that night.

Q. Or the saloon? A. No, sir.

Mr. Moss.—Now I offer in evidence the testimony upon the trial of The People against Caela Urchittel before Justices Hogan, Koch and Divver. May 17, 1893. I will offer the whole record because it is short; and I read now the testimony of Officer Hussey.

"Ambrose Hussey was now called on the part of the people and sworn.

"By the Court:

"Q. You are an officer attached to the Twelfth precinct? A. Yes, sir.

"Q. Do you know the premises No. 37 Ridge street, store floor? A. Yes, sir.

Q. State what you know about the premises? **A.** Several complaints were made about this woman picking up men; there is a church and a public school across the way; several complaints were made against this woman stopping men in the streets; I went to the place; I pulled out quite a sum of money and I gave her a dollar; I asked her if I could come around again she said, "when my man goes out;" I only wanted to corroborate the evidence of this young man; I met this first witness selling strops one day, that is the first time I met him."

Q. You spoke of another young man; he was a stool pigeon?
A. That is the first time I knew him.

Q. There were two other witnesses who were stool pigeons and they testified they had connection with her? **A.** Yes, sir; the stout fellow did.

Mr. Moss.—" **Q.** Have you stated all you know about the case?
A. This woman has been chased out of the Eleventh precinct by the detectives; there was a saloon there that she had."

The Witness.—I did not say that in the testimony in Essex Market. They must have made a mistake.

Q. You say you did not testify to this at Special Sessions?
A. I did not know anything about a saloon.

Q. If you did testify this, it was not true? **A.** That part about the saloon is not true; it must be the stenographer was mistaken.

Q. If you testified she was chased out of the Eleventh precinct — **A.** No; I knew she was chased out by Block's statement, when she was arrested; the night I arrested her he told me she was chased out of the Eleventh precinct.

Q. You didn't say that before; you gave the conversation with Mr. Block and you didn't testify Mr. Block said she was chased out of the Eleventh precinct? **A.** Mr. Block said she was arrested by an officer and she was over in the Eleventh precinct and was driven out of there and came down to Bidge street; I am not trying to hide anything.

Q. Your recollection of this conversation with Mr. Block, which you are now trying to give us, has come entirely since your attention has been called to the conflict between your different statements, haven't it? **A.** No; it is all the same; it is all the same statement.

Q. Why didn't you give me that when I asked you for the conversation with Mr. Block that night? **A.** I did; didn't you

read it off a little while ago in the statement there; you read it off there.

Q. But you told me then—let me read your statement again to you: "He says, that he (you) first heard that she lived in 74;" that is the place in the Eleventh precinct; "The other day since it was published in the newspapers, and he went there and made inquiry; I never knew she lived in 74 Orchard street?"

A. Until the other day.

Q. "Before that I do not know of any other place in the Eleventh precinct where she lived?" A. That is correct; but this Block told me she was drove out of the Eleventh precinct.

Q. Is that the best explanation you can make? A. Yes; he told me she was drove out of the Eleventh precinct.

Q. Have you met Mrs. Urchittel? A. Yes, in the street; she hollered after me, her and her brother-in-law.

Q. Did she then and there accuse you of being the man that took the money? A. She did not; I didn't understand the language.

Q. Wasn't it translated to you? A. No, sir.

Q. Have you sent any one to Mrs. Urchittel? A. I have not.

Q. Do you know whether a proposition has been made to Mrs. Urchittel on your behalf? A. I do not know of any; if anybody has done it it was an outrage, and they should be sent to prison for it; I never gave anybody any authority.

Q. In those cases where you made arrests for disorderly houses was not Mr. Hochstein bondsman in those cases? A. No, sir; only in one or two cases.

Q. Did you see Mr. Hochstein in connection with this case? A. I seen him the next morning in court when he produced the woman there.

Q. What relation did this Hochstein have with this case? A. He bailed her out; I said the children were stolen, and Hochstein came up and told me where the children were.

Q. Is your partner, Mr. Shalby, in court? A. Yes, sir.

Q. This is Mr. Shalby (indicating)? A. Yes, sir.

By Senator Bradley:

Q. What do you mean by telling your friends that you had a great deal of trouble with your wife and sister-in-law? A. With my sister.

Q. With your sister? A. They accused me of being dirty enough to go in a hallway and take a woman's clothing down;

that is what bothered me; I would not have that for a million of dollars; I have a family of six children; I didn't do anything wrong.

Mr. Moss.— Mr. Hussey, do not leave the court for we want you again. Step down. Mr. Place?

Charles A. Place, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Are you attached to the Fourteenth precinct? A. I am.

Q. Mrs. Urchittel (Mrs. Urchittel stands up) ! You see this woman, Mrs. Urchittel? A. Yes, sir.

Q. Have you ever seen her before? A. Never.

Q. Did you ever see her at No. 74 Orchard street? A. I never did.

Q. You were ward detective in the Twelfth precinct at one time, were you not? A. In the Eleventh precinct.

Q. Just prior to your going to the Fourteenth? A. Yes, sir.

Q. When did you leave the Eleventh precinct? A. I left the Eleventh precinct March 15, 1893.

Q. You were a detective in that precinct? A. Yes, sir.

Q. Did you observe the streets — Orchard street — the neighborhood of 74 Orchard street, while you were such detective? A. I could not say exactly what the place is, but I know where it is.

Q. Did you ever observe any disorderly houses, or any disorderly conduct there? A. I never did, sir.

Q. Did you ever go into 74 Orchard street, and see this woman and demand a hundred dollars from her? A. I never did.

Q. Did you ever see this woman anywhere and make any demand upon her for money? A. I never did; I never saw the woman before.

Q. Did you ever take any money from her? A. No, sir.

Q. Or from anyone for her? A. No, sir.

Q. Did you ever hear of this case until, as the preceding witness testified, he called upon you, so as to pay any attention to it? A. No, sir; I read it in a paper.

Q. As having any personal interest in it? A. No, sir; I never had any personal interest.

Q. Will you please to tell what Mr. Hussey said to you when he called? A. Yes, sir; he came to the station-house and said,

"Place, I want to see you; will you come outside?" I said, "What do you want? you can tell me here what you want me for;" he says, "Come outside;" I says, "I aint going upstairs to dress myself;" I was undressed for the day; I said, "Anything you have to say to me, say to me;" he says, "I have been saving you from a lot of trouble;" I says, "How is that?" "Well," he says, "I have been withholding your name from the reporters and am getting a roasting myself;" he says, "This Mrs. Urchittel claimed she gave you \$25."

Q. Now, let us see; did he say Mrs. Urchittel claimed that you, Place, had got her \$25? A. That Mrs. Urchittel gave me \$25.

Q. You, Place? A. Yes, sir.

Q. Go ahead? A. And she said she told him that the night he arrested her, and he had been keeping my name from the papers; well, I says, "That is very funny; these reporters should go to Mrs. Urchittel and find my name out if I was connected with it in any way;" he says, "I have been doing that for you;" he says, "You know that she keeps a disorderly house, or she kept a disorderly house;" I said, "I don't know anything about it; I never see the woman and don't know who she is;" he says, "My wife and family is at stake, and you can help me out in this thing;" I said, "I can not help you out; any way legitimately I can help you out, I will;" and then I called a couple of officers, Officer McCarthy and Porter, to listen to the conversation, and as I did, he left the station-house, and flew right out.

Q. As soon as there were witnesses, he went out? A. Yes, sir.

Q. Did you mention Officer Schindler to him? A. I did.

Q. What did you say? A. I called for Officer Schindler and asked him if they ever heard of a woman named Mrs. Urchittel.

Q. Had those officers been in the Eleventh precinct? A. Yes, sir; they got all the evidence against disorderly houses; my business was felony cases.

Q. What did they say about Mrs. Urchittel? A. Never heard of her.

Q. Did they ever hear of the disorderly house 74 Orchard street? A. They said they did not; no.

Q. Did he ask you to testify that she kept a disorderly house? A. He said in this way — he said, "You know she kept a disorderly house;" I said, "I don't know any such thing."

Q. That is the whole conversation on that subject? A. Yes; and then he gave me that his wife and family was at stake, and all that sort of business.

Q. Did he accuse you of having taken the money from her? A. He said some stool pigeon — Block — told him so.

Q. Did he have Block with him? A. No, sir.

Mrs. Caela Urchittel, recalled, testified as follows; being examined through a sworn interpreter:

Mr. Moss.— I offer in evidence a record of the conviction.

Morris Blumenthal was sworn as an interpreter and also sworn as a witness.

Mr. Moss.— I offer in evidence the record of the conviction of "Keile Urchittel, on the 17th of May, 1893, at Special Sessions by Edward Hogan, Joseph Koch, and Patrick Divver, of keeping and maintaining a house of prostitution at premises store floor of No. 37 Ridge street, adjudging her guilty of misdemeanor, and fining her \$50.

Direct examination by Mr. Moss:

Q. Now, listen, interpreter, listen to my question and then put it to the witness in just my language, and then give her answer in English, in her own words; you have been examined before here? A. Yes.

Q. Since that time, have you made a statement through the interpreter who stands behind you, and has that statement been witnessed? A. Yes, sir.

Q. Is this the statement? A. Yes, sir.

Q. Is this statement which you gave to the interpreter true? A. Yes.

Mr. Moss.— Now, your honors, we had great difficulty in getting the testimony of this woman before, not only through our unfamiliarity with her language, but through her voluble method of stating her case, due undoubtedly to her great mental anxiety. I have had these facts written in the way she has testified. It is much shorter than we could get from her by the usual examination; and with the testimony of this witness that he has transcribed correctly, I will read it.

Morris Blumenthal, the interpreter, on examination by Mr. Moss, then testified as follows:

Q. What is your name? A. Morris Blumenthal.

Q. Where do you live? A. One Hundred and Sixty-one Orchard street.

Q. Do you see this statement which I hand you? A. Yes.

Q. Do you recognize it? A. Yes.

Q. Is that the statement which the witness has just testified to? A. Yes, sir.

Q. Did you correctly translate it? A. I heard it according to her word; every word I put down.

Q. Every word? A. Yes, sir.

Q. You are familiar with her language and the English language? A. Yes, sir.

Mr. Moss.—I read the statement:

“Mr. Frank Moss, Esq., 93 Nassau street. On 1891, I came to New York, a widow with four children; my husband died in Hamburg. Being without means I applied to the Hebrew Charities on Eighth street for help, and they were kind enough to support me for starting a boarding-house in 166 Division street, and gave me for furniture and other necessities and besides \$60 and sent immigrants to my boarding-house. My business was increasing daily having 30 to 35 persons every week, and in eight months I saved \$600. I worked hard indeed, but I did it gladly, knowing that this will enable me to support my children, the orphans. The immigration having been stopped, I had to give up the boarding business, and applying again to the Charities, they supported me again, giving me \$150, and sent me to Brownsville, where I bought a restaurant and made a nice living, but having the misfortune to lose of my beloved children, I left Brownsville, after staying there but a little time and came back to New York. I bought a cigar store in 33 Pitt street, corner of Broome, for \$175, and gave the landlord \$40 security and supplied more goods for \$50. On the second day of my taking possession of the store a man came in and bought a package of chew tobacco for five cents. A couple of days after, the same man came in, asking me for a package of chew tobacco, to trust him which I refused, excusing myself, being recently the owner of that store; I don't know anybody of that surrounding. I can not do it. He took then out a dollar of his pocket and gave it to me for changing, and having no other small change, only pennies, which he wouldn't take, I sent my one years aged daughter, to get other coin for the dollar and handing the

same to the man I felt a tickling in my hand caused by the quarter of the dollar in the hand of the man, and I said good-bye to him. On the evening of that day another man came in the store, and told me that the man who was before asking for chew tobacco without money is a detective, and that he has a warrant to arrest me, and I can avoid the trouble, by giving the detective \$50, and refusing to do it, I will be locked up, and my children taken away from me till the 21st year. Not knowing to have done anything wrong, I laughed at the man, and told him that I wouldn't give a cent to anybody, and if that man should come in again, I will chase him out with a broom. The other night at 11 o'clock the children being asleep already, the same man who asked me to trust him the chew tobacco, and after which I learned he was a detective, named Hussey, came in with another man who took away my cousin that came to see me in that night, and the detectives remained with me alone in the store; he told me then that he knows that I keep a disorderly house and saved \$600 of that dishonest business. If I want to escape being arrested, he wanted \$50. I opposed to his assertion, and protested against his wanting money of me, saying that I ever made a living by honest business, but he wouldn't listen to me, and in spite of my protesting and the crying of my children, I was forced to leave my store and follow him. As we were two blocks away, we met Mr. Hochstein, and crying, I told him all my trouble and how I don't know anything about the false accusations. It was of no avail, Mr. Hochstein told me that the detective wants \$75, but he will try to settle it with \$50, but without any money nothing can be done for me, and gave me also his advice, to pay \$10 monthly to the detective, I wouldn't be troubled at all, and that I should resume my business unhindered. I repeated again that I don't know anything about dishonest business, but it was no use talking more. I was dragged from corner to corner till 3 o'clock in the morning, insisting that I had money with me, \$600, I kept it in my stockings. Weary and tired out, I sat down at the corner of Essex and Rivington streets at a dry goods store and took off my stockings, showing that I had no money in them. If you don't want give the money, said the detective to me, I can't help it, you must follow me to the station-house. Being convinced that it is impossible that I should escape without giving money. I took out \$25 of my pocket, the only money I had, and handed them over to the detective, standing by a window, which money

was parted between Mr. Hochstein and himself, he taking \$13 and Hochstein \$12. They went with me to Essex street, and sending me in through a gate in the house, where I was kept about two minutes, they sent me home after, with the warning, to prepare \$50. At 7 o'clock in the morning the detective, Hussey, came to my store, asking for the money. I cried again and begged him to let me go, that I am not able to give him any more money, but he didn't want to hear me any more, and I had to follow him. By the signal of a whistle a man came near me, and the detective gave me over to him, with the remark, not to let me go till I gave the \$50. The name of that man is Mr. Meyer. I went with him to Mr. Lefkovitz, manufacturer of syrups, 154 Delancey street, and to Mr. Frank — for selling the store even for the \$50, but they didn't want to buy it, seeing the man after me and fearing trouble. After trying in vain to sell the store, the detectives said to Mr. Meyer, "That bad woman don't want to give the money. Take her to the court," and I had to stay at the trial. Two bad disreputed boys were engaged by the detective, Hussey, for witness." It appears in the record of the trials that the stool pigeons are boys or youths, very young men at least, "The one said that he gave me 50 cents for gratifying his pleasure, and the other said that he would give me 40 cents, and I did not agree, asking 50, and thus I was detained in default of \$500 bail. Having been sitting in the court, the detective, Hussey, came in to me on the same day at 4 o'clock, p. m., and told me that my children are already taken away from my house, and if I can give him the \$50 he can help me even now. Hearing the distress of my poor children, I cried loudly, and a lady took me to a dark room, where I was locked up. Unable to procure bail, I was imprisoned for three days, and sent after to the Tombs, where I had to stand trial. There were about 50 persons to witness that I had always made an honest living, but they were not asked at all, and being wholly unable to understand the English language, I couldn't defend myself. The lawyer, who was sent from the Hebrew Charities, came too late, and had to give only the certificate of the society, testifying that I was supported by them, and led a decent living. It came too late, and I could not talk any more. I was fined \$50. My brother sold my store for \$65, and paid the fine. I ran then crazy for my children, for I didn't know where they were. Meeting the detective he told me that they are in the hands of a society in Twenty-third

street. I ran there, but no one knew of my children. Finally, after five weeks, I received a postal card of my child, that the children are at One Hundred and Fifty-first street and Eleventh avenue, and when I got there and begged to give me back my children, none would hear me: Grieved at the depths of my heart, seeing me bereaved of my dear children, I fell sick, and was laying six months in the Sixty-sixth street hospital, and had to undergo a great operation by Professor Mundy. After I left the hospital, I had the good chance to find a place in 558 Broadway, where I fixed up a stand by which I am enabled to make a nice living, to support and to educate my children. I went again to the Twenty-third street, begging to release my children, and that was denied again. My heart craves to have my children with me. I have nothing else in the world only them. I want to live and to die for them. I lay my supplication before you Honorable Sir, father of family, whose heart beats for your children, and feels what children are to a faithful mother. Help me to get my children. Let me be mother to them. Grant me my holy wish, and I will always pray for your happiness, and will never forget your kind and benevolent act toward me. Your very humble and faithful servant.

(Signed) CAELA URCHITTEL.

Mrs. Urchittel further examined.

Q. Mrs. Urchittel, are you certain that the man who took you around until 3 o'clock in the morning is Officer Hussey, who testified on the stand? A. That is this man (indicating); that is the man.

Q. Is that the man? A. That is the man that took the children away from me; that is the man that took me away with Hochstein; that is the man that took the children, and Mr. Hochstein together; he and Mr. Hochstein together took the \$25; he took me two blocks from the house, together with Mr. Hochstein and Mr. Hochstein told me I made \$600 with my business, and I should pay that too.

Q. Have you met Officer Hussey on the street since you testified before? A. Yes; I met him.

Q. What did he say to you, and what did you say to him; tell her not to say anything more than just that? A. She told him, 'He is the man that took the money;' he said, 'No; I did not take the money, another man took the money;' she says he took it.

Q. Mrs. Urchittel, has anybody offered you any money about this case? **A.** Two men came to her and told her if she —

Q. Speak slowly and loudly, Mr. Interpreter? **A.** Two men came to her at the time and told her if she will commence with Mr. Hochstein she will get in trouble for two years' imprisonment.

Q. Who were the two men? **A.** Two thick men.

Q. When was it? **A.** It was the second day after she was presented here.

Q. In giving your answer, say, "it was the second day I was presented;" give it in her language.

The Interpreter.— Yes; that is what she told me.

Q. Where was that said to her; where did they say that to her? **A.** In the street.

Q. Whereabouts in the street; what street? **A.** In Delancey street.

Mr. Moss.—I think that is all, Senators; you both step down.

Senator Bradley.— Mr. Moss, has she got her children back?

Mr. Moss.— No.

Senator Bradley.— Are those not her children in court.

Mr. Moss.— No, sir.

Senator Bradley.— Have you made any effort to procure the children for her?

Mr. Moss.— We have, in the getting of this statement. We have been at great pains to get all the groundwork—this record — and to locate the officer. All of the preliminary work was done so the application could be made.

Senator Bradley.— Try and see that she gets her children.

Mr. Moss.— Of course, your honors understand when a police magistrate has committed a child under the present act, it is very difficult to change the commitment; there is no appeal from it.

Mr. Goff.— It is a serious question, right here, Senators, which I do not think it improper to call your attention to, that the condition of the law to-day in New York city is such that upon the ipse dixit of one man in the city of New York, children can be taken from their natural protectors, fathers and mothers, and secreted away in some institution and there is no power vested in any court or in any official to compel him to reveal where those children are, or to restore them. I

do not mean to say by that, that the object of the legislation has not been humane and good in its purpose; but I do mean to say that it is worthy the serious consideration of the lawmaking power of this State, whether or not great abuses may not arise by the vesting of such absolute power in the hands of any society, or of any individual in this State. To break the family ties, natural ties that bind the child to the parents, and the parents to the child, and take the child and put it away secretly and keep it secretly and defy all attempts to get possession of that child, even though it may have been shown that mistakes or errors were committed in the commitment of that child to those institutions.

Senator O'Connor.—Don't the law provide for that? I remember all those laws. Mr. Gerry generally gets what he asks for in Albany. He fought very earnestly for this work. My recollection is there is such a provision in that, so that when they want to get the name of a child they can apply to a justice of the Supreme Court and have an order of that kind, and they obtain it.

Mr. Goff.—I am calling your attention to the workings, and want to say here, there is not a case in this city yet on record, where a justice of the Supreme Court has felt he is justified in interfering with the commitment of the magistrate not a case; and here is just an illustration of it. The justices' of the Supreme Court consider they are bound. The law is so hide-bound and so imperative in its terms, that they are bound by it; and I think it is a proper occasion, Senators, to call your attention to this. While I say the objects of the gentleman and his purpose are humane and wise, and philanthropic, possibly, yet, I do say it is a serious question for the lawmakers of this State, to consider the wisdom of vesting so much power in any society that has no responsibility to the people, and that is under no responsibility to the people of this State. There is no provision even. The old common law provision, where the lawmaking power had the right of investigating a private corporation, does not exist. The right of visitation does not exist, and they are, practically speaking, independent of the people of this State. The public officers — the public officials — take oaths of fealty to the laws of the State; they have to give an account of their doings in the administration of their office, to the people of the State; and the people of the State can pass their verdict upon their

acts; but there are no means by which the people of the State can pronounce upon the justice or the injustice of the acts of an irresponsible agent. That is the situation we have here to-day, and this case is just precisely an illustration of that. I may take occasion to say here, if you will pardon me, Senator, that I know the gentleman whose name has been mentioned has done a great deal of good, and we may agree with him in his purpose to smeliorate the condition of the poor little children; but it is not at all amiss that we should stop and pause to see how far we, as a people, are going in that direction.

Senator O'Connor.—You understand how difficult it is to prepare laws for a good purpose, and so frame them that they may not be used for oppression.

Isaac Lafkowitz, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your name? A. Isaac Lafkowitz.

Q. You will have to talk louder; just throw your voice over to me so I can hear you; where do you live? A. One Hundred and Fifty-four Delancey street.

Q. What is your business? A. Syrup, manufacturer of syrup and soda water.

Q. Do you know Mrs. Urchittel, who has just been on the stand? A. Yes, sir.

Q. Did you supply her with syrups? A. Yes, sir.

Q. What is Mrs. Urchittel's character, if you know? A. So much I know, I heard she is carrying on —

Q. Her personal character, is she a good or a bad woman? A. She is a good woman.

Q Did some one come to your store in Mrs. Urchittel's behalf?

Chairman O'Connor.—I do not understand that this woman's character is now impeached. All these officers seem to run away from their previous charge that she kept a disorderly house. I do not see that there is anything against the character of the woman.

Mr. Moss.—I simply put that in in the way of getting it while we are about something else.

Q. Was an offer made to sell Mrs. Urchittel's store to you at one time? A. No, sir.

Q. Did someone come to you and ask you to buy her store?
A. Yes, sir.

Q. Who came? A. That lady came herself with another man, and she wants to borrow money of a man, Mr. Frank.

Q. Mr. Frank was in your store? A. Yes, sir.

Q. She wanted \$50? A. Yes; wanted \$50; she has got to pay some fine, or something like that.

Q. Can you remember exactly what it was she said? A. It was something like fine; I don't remember exactly.

Q. You don't remember exactly? A. No, sir.

Elias Mandel, called as a witness on behalf of the State, being duly sworn, testified as follows:

Q. Your name is Elias Mandel? A. Yes.

Q. Where do you live? A. I live 350 West Twenty-sixth street.

Q. What is your business? A. Tinsmith.

Q. Did you keep a restaurant at No. 141 Delancey street? A. Yes.

Q. In what year? A. That was in 1883 — in 1883, I think.

Q. In 1893? A. In 1893.

Q. Have you seen Officer Hussey upon the stand here? A. Yes.

By Senator Bradley:

Q. This is the agreement when you bought the store? A. Yes, sir; this is the agreement when I bought the store.

By Mr. Moss:

Q. You bought that restaurant on the 7th of November, 1892, as appears by the bill of sale? A. Yes, sir; I kept it up until March, 1893.

Q. Not March of this year? A. No, sir.

Q. I ask you if you knew Officer Hussey who testified a little while ago? A. No; I didn't know him at that time.

Q. Do you know him now? A. I do know him now.

Q. Where and when did you first see Officer Hussey? A. The first I see Hussey, he came in my store; he came in —

Q. Speak slowly and loudly? A. He came in my store; I was not in the house; I was at work, and he asked my wife, "Where is your husband?" She says, "Well, he is away; you can see him at the night-time," but in the night-time when I came of

my work he was come in, and asked me if I wanted to be protected; I said, "What do you mean?" he says, "Come, you got game going on, and other things;" so I said, "To tell you the truth, I don't want that business going on; I am a working-man, and my wife just attending to the restaurant, and I don't think I will attend it longer."

Q. You mean, you did not want to have any gambling business? A. Yes; because I said, "I am making my honest living in work; and he says, when he went out, he said, "Don't you pay anything to anybody, and he went away."

Q. Then you came in contact with a young man named Herman Block, didn't you? A. Yes.

Q. Where did Mr. Block hang out? A. Mr. Block used to come in eating.

Q. No; perhaps my remark is not intelligible; where does Mr. Block stay evenings now? A. In Hochstein's saloon.

Q. That is the same Hochstein we talked about in the Eleventh and Twelfth precincts? A. Yes, sir.

Q. And you mean to say, Mr. Block spends a good deal of time in Hochstein's saloon? A. A great deal of the time.

Q. Did Block come in your place? A. He used to come in to eat, and other fellows; I did not know them people at that time; he came in to eat, and my wife — I had three rooms yet in the back side, and my wife she asked the other fellows may be they would hire rooms, and she wanted to let it out, and that fellow said, "Why didn't you say that to me?" and she says, "You can hear it," and he says, "I wanted to come in before."

Q. You mean to say he proposed to hire your rooms? A. Yes, sir.

Q. Did you let it to him? A. I let it to him; he was staying there for a couple of weeks, and eating and drinking, and he paid me just nicely, and then he always said, he was a real estate agent.

Q. Never mind about that; after Mr. Block had been there with you a little while, did Mr. Hochstein call on you? A. Mr. Hochstein was in, eating.

Q. What did Hochstein say? A. At the time I moved from the restaurant —

Q. I want the conversation about Mr. Block? A. He was staying and eating with me.

Q. What did Hochstein say about Block? A. Oh, the time when they took the money away, or before.

Q. The first time he spoke to you about Block? A. I did not speak anything to Hochstein about Block; no.

Q. What did Hochstein say, in your place, about Block? A. He did not talk about Block in the place at all; you got that wrong, if you please.

Q. Tell me about the hundred dollars? A. That is it; the time I sold the place he owed me \$12, Block did; so I went over to live at 110 Suffolk — it was at 112 in the papers — I went to 110 Suffolk street, and he heard I was going to save money — I am mistaken; the time I moved in, it was April, and March I sold it, and I moved in 110 Suffolk, and it was before the holidays; and he said to my wife, "Mrs. Mandel, will you take in my wife?" she says, "Have you got a wife?" he says, "Yes; that is my wife;" he has a certificate of marriage ticket.

Q. We don't care anything about the wife or marriage certificate; I want you to tell us about the hundred dollars that was mentioned? A. Well, I will come to the point of the hundred dollars; well, that broke me up.

Q. Tell us about the hundred dollars? A. When the time I was saving I had a hundred dollars in the bank, so next morning, they were fighting in the bedroom; my wife happened to see it, and said, "You had better go out." because she heard bad words going around between them, and she said, "We are going to move up town; you had better go out;" the next day Block says, "Why don't you give us the money — the hundred dollars."

Q. What did he demand the money — a hundred dollars for? A. She says, "What do you mean; the hard money that my man saved? I am going to give you no money; what money?" that fellow went away and didn't say anything; I bought at Hochstein's a pint of beer after work; and so, one Wednesday evening, I go to Hochstein's place, and Hochstein said, "Why don't you give that man money." the hundred dollars you took off his wife?" I began to laugh; he said, "You had better return that money;" he said, "If not, you will be locked up;" I began to laugh, and I went out.

Q. Did he tell you you could be locked up without a warrant? A. Yes, sir; that is what he said; he said, "you can be locked up, if you don't return the money."

Q. Without a warrant? A. No, sir; he said that afterward; the next day Hussey; I came from work; that was Thursday night.

Q. Hussey, Spitz and another man came in? A. Yes; I come to that; I came from work, Thursday night; saw Hussey and two other fellows; their names are Spitz and Meyer, and Block and his wife came in the house, and Hussey came over and said, "Why don't you give Block that money?" I asked him, "What!" he said, "The hundred dollars you took off him;" so he called me back in the bedroom, my bedroom, and my wife she followed me, and he says, "Well, if you give me any money, I will let you go."

Q. What did you say to that? A. I said to that, "I would not give anybody money; I haven't got any money;" he says, "If you have got jewelry, pawn it."

Q. What did you say to that? A. I would not pawn it for nobody; I would not give it, and I am not in it; I am not afraid of anybody; he said, "You got to come along;" I said, "Have you any warrant for me?" he says, "I do not need any warrant."

Q. Did he arrest you? A. Yes; he took me down to Attorney street station.

Q. How long did he keep you there? A. He kept me from quarter to 7 up to half-past 9, right in the room where the police was sitting.

Q. Did the sergeant lock you up? A. The sergeant was speaking to Hussey all the time, and the fellow came up and called the name of Shelvey, and Shelvey came in and began to talk to the sergeant, and I could not hear, and yet he gave him a wink and said, "Well, I will take that man on his responsibility."

Q. Is that the same Shelvey that is here and stood up? A. Well, I did not see him.

Q. Stand up, Mr. Shelvey, a moment (Mr. Shelvey stands up)? A. Yes, sir; that is the man; he was in private clothes.

Q. Shelvey came in and said he would have you locked up on his responsibility? A. Yes, sir.

Q. Did the sergeant object to locking you up before that? A. Yes; before that.

Q. Why? A. I do not know, because I did not hear it.

Q. When Shelvey said that, did they lock you up? A. Yes; then Hussey came in and examined my pockets; I had a gold watch and chain the same as I have now.

Q. Were you taken down to a cell? A. Yes; then they asked me, "Do you want any bondsman?" I said, "I don't want any bondsman of you; I can get myself bondsmen; I am not afraid of anybody."

Q. The policeman asked you if you wanted a bondsman? A. Yes; the policeman, Mr. Hussey; he asked me, "If you want any bondsman?" I said, "I don't want any bondsman of you; I have myself bondsmen;" I said to my wife, "You should go to the man named Fegermann; and whoever tried to get my bail, they stopped my bail and kept me five days in Essex Market court; I was sick and tired; I was getting gray."

Mr. Moss.—It will appear before we get through the testimony on this line, which may be adduced to-day and other days, that the condition of things around the Essex Market court is just as this witness is testifying. There are one, two or more men who are autocrats there, who control the whole bail business, if they want to; and if they take charge of a case, as they took charge of this case, nobody else can go bail there. There is some mysterious influence that stops the bail, and this man was required to pay whatever the sharks require for giving bail, or stay in jail. We intend to prove that, before we get through this investigation.

Q. You say your bail was stopped? A. My bail was stopped all over; the first time my wife went over to a man of the name of Bornstein; she said, "My husband is locked up;" and he rushed out, and he went in and left my wife standing outside in the street, and he came out and said, I will spend anything, but I won't interfere with them.

Q. How did he interfere about that? A. Mr. Hochstein and the rest of them.

Q. Who was the rest of them? A. I suppose Shelvey and Hussey.

Q. Hochstein, Shelvey and Hussey? A. Yes, sir.

Q. Anybody else? A. No; no more than that, I understood.

By Senator Bradley:

Q. These men you offered as bondsmen were they all real estate owners; did they own property? A. Yes, that man Mr. Bornstein, I don't know whether he has property; I know he run and got it; I know he is a rich man.

Q. Did any of the men that you offered as bondsman own his house? A. Yes; one is keeping down in —

By Mr. Moss:

Q. Did you finally get bail? A. Yes, I did.

Q. Who went you bail? A. A man of the name of Sedensky; he keeps in Ludlow street, a crockery place.

Q. Was he a friend of yours? A. No; I tell you; a man named Mr. Pfeffer, he always favored us; if anybody was locked up, he tried to get them out, and I heard that my wife was down to see him after five days in the Tombs; so I tell her, will you please, there is only one help for me to go down to a man named Pfeffer.

Q. This Mr. Pfeffer is the man, if I understand, you refer to, has been opposing Mr. Shelvey and Mr. Hochstein in their conduct in that precinct? A. Yes; because I heard he had many of those fellows after my case too.

Q. Do you know whether Mr. Pfeffer had any trouble in getting that bail? A. Yes; he had a licking.

Q. He got a licking A. Yes; he got a good licking.

Q. Who licked him? A. I couldn't tell; I heard one of Hochstein's gang.

Q. Is there a gang of such people hanging around Hochstein's saloon? A. I found it afterward.

Q. What was the charge upon which you were committed? A. I was charged with stealing a hundred dollars.

Q. That Mr. Block said you had kept? A. Yes, sir.

Q. Were you not sent down to the Tombs from the station-house within five days? A. After the five days.

Q. After the five days? A. After the five days; the time when I was the first on Friday arrested, I see a lawyer of the name of Martin Gold.

Q. When you were arraigned in the police court? A. No; I will give you another point; when Mr. Hussey took me from the station up to Essex Market court, he walked with me to Mr. Hochstein's place, and we had a drink together, me and Hussey.

Q. Who paid for it? A. I did.

Q. That was the officer that was arresting you? A. Yes; this was the man Hussey.

Q. Was that in Hochstein's saloon? A. Yes, sir.

Q. I understand you treated Mr. Hussey in Hochstein's saloon while you were on the way to court? A. Yes, sir; it was 8 o'clock in the morning; so we see Block sitting down there.

Q. Tell us very quickly what happened in the court? A. What happened in the court: I saw the man named Martin Gold, the lawyer; so he said, if you want any counsel, because I see Hussey gave him the wink, I should come over to him.

Q. You say Hussey directed this man to you? A. Yes; and so I said — he said, "Do you want any counsel," and I said, "I do not want any counsel; I am not in it; I don't know anything about it; I can talk myself;" and he went outside, and came back again, and said, "Your wife sent me in;" I said, "Let my wife have you; I don't want you;" as soon as the judge called to the case, I jumped for the bar, and I said, "Your honor, I want that counsel stopped talking," and he pleaded me all the time in the case, because the next day my wife gave him a \$20 note.

Q. Did you receive, or did your wife receive a letter or postal card requesting you to give any money to Hochstein? A. My wife received a postal card, but I did not write anything, because he could not —

Q. What did that postal card ask for? A. Well, I think she will tell you more than I can do it.

Q. Well, I will ask her then; do you remember what this lawyer Gold said about your pleading? A. Yes, sir; he said I pleaded guilty to the second degree, and that is what he said; I think that man is in it.

Q. Did he say anything about your being willing to return the money? A. Yes; he did say it; he says, I think Mrs. Mandel is willing to return the money back; but she never said that.

Q. You were guilty, but you were willing to return the money? A. Yes, sir.

Q. Did you authorize him to say that? A. The last time she had Mr. Steckler for her lawyer.

Q. Did you ever authorize him to say that? A. No; never told him to say that.

Q. You never acknowledged it? A. No, sir.

Q. You was held for trial, wasn't you? A. Oh, I had enough that day, and held for trial.

Q. And then you got out of Mr. Gold's hands, didn't you? A. Yes.

Q. Who took your case? A. Mr. Steckler.

Q. Were you tried? A. I was — no, they sent me down after, because he couldn't do nothing; and Charlie Smith and he

looked at the judge, and Hochstein was there, and they couldn't get it, and they said there is nothing to do but send him down to the Tombs, and they sent me down to the Tombs on \$1,000 bail.

Q. Were you indicted by the grand jury? A. No; they called me once down at the time I was bailed; they called me down to plead; well, I said, I am not guilty; I am not guilty because I never did anything, and sent me home at the time Mr. Steckler had me.

Q. There was no indictment made against you? A. No.

By Senator Bradley:

Q. The grand jury sent you home? A. No; the district attorney, I suppose; he said, go home.

Q. You had a bank account, and you testified they discovered you had deposited some money, and demanded the hundred dollars? A. Yes, sir.

Q. Was the bank willing to pay you? A. Yes; it was willing to pay me, and they stopped him.

By Mr. Moss:

Q. Do you know Martin Engel? A. Yes, I do.

Q. Is one of the gang, as you call it? A. I heard he was a fine man; at the time I did not know him then.

Q. What did Martin Engel say to you about your money in the bank? A. He said, well, we will go and have that hundred dollars; they will get all the money; so Hochstein said to me one day, if you give me \$50 to sign it, you can have the other \$50; I said no, I wouldn't do it, and I told Mr. Martin Engel that; he said, "No, don't you give him any money; " well, he said, we go on and fight the case, and send down to the first district civil court, and fight that case, when Mr. Block was over there for witness, you see he swore down there.

Q. You mean to say, Mr. Block appeared as a witness for you in the case? A. The same who was a witness for himself, and then he was a witness for me; his wife ran away from him, and she never gave any money to me.

Q. How much of the hundred dollars did you get after Mr. Block turned around? A. I only got \$50 out of it, and Mr. Engel says, "That is for Hochstein and the rest of the gang."

Q. The other \$50 was for Hochstein and the rest of the gang?

Q. So your experience with the gang was imprisonment and being kept from your family, and finally the loss of \$50 that you had deposited in the bank? A. Yes, sir; I suppose so.

Q. And you have no hesitation in identifying Officer Hussey as the man you have mentioned in your testimony? A. What do you mean?

Q. You have no hesitation about Officer Hussey; he is the man? A. Yes, sir; I am sure that is Hussey that took the case on his own responsibility.

Q. What bank was that, Mr. Mandel? A. The German Savings Bank, Fourteenth street.

Mr. Moss.—That will do, unless the committee desire to ask some questions.

By Senator Bradley:

Q. While you were confined in the Essex Market prison, how did they treat you there? A. Well, I got worse than a dog, I think.

Q. Did you buy anything there, or any refreshment? A. I could not eat; my wife sent me in the best meal, and I could not eat it, and gave it away.

Q. Did anyone approach you there and ask you for any money? A. Yes; they came in and talked with my wife; she could not give anything; Mr. Bornstein came in that night with her; with Mr. Simpson, and said, "Well, I could not help you, my boy; try to get the best;" I said, "Mr. Simpson, I know you are a fine man;" "Well," he said, "My poor boy, I can not do nothing for you; you are in a bad gang; that is all."

Q. This is the question I asked you: "Did anyone in prison, connected with the prison, or any official ask you for any money in order to grant you some favor? A. No; nobody didn't ask me for any money that time.

Q. When you were in prison? A. When I was in prison nobody didn't ask me.

Mrs. Caddie Mandel, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Are you the wife of the previous witness? A. Mr. Mandel; yes, sir.

Q. Do you know Officer Hussey? **A.** I didn't know him until he came in to my place to arrest my husband.

Q. You know who he was? **A.** I did not know him before.

Q. Now, you know him? **A.** Yes.

Q. Have you seen him in court? **A.** Yes; I saw him in court; at the time he was arrested, he said, "I have nothing in it;" and I said, "Wait until I fix you," and he said, "I have nothing in it," and that is the time somebody showed me that was Detective Hussey; and his face was familiar with me from the night my husband was arrested.

Q. What did Mr. Hussey say to you about money at the time he arrested your husband? **A.** Why he came in to arrest my husband; he called my husband to the bedroom, and I went after him, and he said to Mandel, if you give me a few dollars, I will leave you here; my husband said, "Where is a few dollars?" I said, "Where shall I take it from?" Hussey said, "Haven't you anything to pawn?" My husband said, "I have nothing; I have no money at all; nothing to pawn," and then he took him away; I told him to wait a little while, and let him finish his supper, and he waited a little while, until he finished his supper, and took him away, and I stayed in my house, and after a while, I went to the Attorney street station-house, and we stood a little while, and they sent one man away, and then another man came; of course, I don't know the man.

Mr. Goff.— Will you step down one side?

Ambrose Hussey, recalled as a witness, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Hussey, you have threatened to shoot a man here in this courtroom? **A.** I done nothing of the kind; I said a man is not fit to live; that is all; and neither he is; that man is not fit to live; it is political business on top of me.

Q. You are an officer of the police? **A.** Yes.

Q. And you are here, and your conduct is being investigated; you understand that, don't you? **A.** Yes, sir.

Q. Are you in uniform here? **A.** Yes.

Q. And you wear the shield of a police officer in this city? **A.** Yes, sir; and I am respectable at all times.

Q. You have said, upon your own admission in this court, in the presence of this Senate committee, that a man that you suspected of being interested in this proceeding, or investigation,

was not fit to live, according to your own statement? A. I do say that now; because he is not fit to be in this courtroom.

Q. He is not fit to be in this courtroom? A. Yes.

Q. Didn't you say to him if he did not stop these proceedings you would put a bullet in his head? A. No, sir; I did not.

Q. Give us your exact words? A. I said you are not fit to live; you caused all this trouble with Vandaleer; you caused this trouble.

Q. Didn't you say something else? A. No, I did not.

Q. Didn't you call him a foul name? A. No, sir; I did not; I said, "You are not fit to live."

Q. Do you think you came here to intimidate persons interested? A. I don't, Mr. Goff.

Q. What did you mean by telling persons interested in these proceedings that he was not fit to live, in this courtroom? A. If you knew his character, you would say so too.

Q. What do you mean by telling a witness — that may be a witness, or interested in witnesses here — to tell him he is not fit to live; what do you mean by that — in this courtroom? A. I do not mean anything, but he is low, that is all.

Q. And you, an officer in uniform, you start in to intimidate a person that you think is interested in the producing of testimony here? A. I did not know that was intimidation.

Q. What do you call it, when you tell a man he is not fit to live? A. A man that has gone against an innocent man has no right to do that.

Q. He has no right to live? A. I wish you were in that neighborhood, and had to do duty there.

Q. I am asking you about the transaction in court; what did you mean when you told him he had no right to live, you, an officer, in uniform? A. Well, he is low, that is all.

Q. Have you got a revolver with you? A. No, sir; I have not; I very seldom carry one.

Q. Now, this man whom you told had no right to live, has not been a witness here in these proceedings at all? A. They have been threatening, and asked to apologize, both to him and Ike Vandaleer, and they would not bring me before this committee.

Q. Who asked you to do that? A. A messenger was sent to me.

Q. Who was the messenger? A. This man Block.

Q. This man that you brought over here? **A.** Yes; he had a fight with Pfeffer.

Q. And brought over from Jersey? **A.** Yes, I want to state to the committee that this is two different Blocks.

Q. This is your friend, Block, is it? **A.** This Block came to me and said he had a fight with Pfeffer; and came to their store; and they would keep me from going before the committee.

Q. We are not interested in the fights and quarrels between these men; what we are interested in is, that an officer, in police uniform, in this courtroom, should make use of the language that you made use of? **A.** I didn't mean that as a threat.

Q. What do you mean? **A.** I think a man ought to be square in this world.

Q. Will you swear you did not tell him if he did not stop this thing you would put a bullet in his head? **A.** I swear I did not.

Q. You swear you did not? **A.** I solemnly swear I did not.

Q. Or in other words to that effect? **A.** No, sir; I did not.

Q. In substance or form? **A.** No, sir; I did not; I said you are not fit to live.

Q. That is all? That is all the words you said to him? **A.** That is all.

Q. In order to get this matter on record we will possibly inquire further about this thing, officer; will you swear now that you did not say to Pfeffer that if this thing—or any other person in this courtroom—that if this thing did not stop that you would put a bullet in his head or through his head, or words to that effect? **A.** I didn't say anything about a bullet or kill him or anything else.

Q. Did you say those words? **A.** No, sir.

Q. Or words in substance? **A.** No, sir.

Q. Or meaning the same thing? **A.** No, sir; I said to this man, "You are a dirty loafer," and this is Ike Vandaleer's work; I told that to Mr. Moss in his office.

Q. Never mind what you told him? **A.** They wanted to run a gambling-house and I wouldn't let them do it.

Q. We are interested in what took place in this courtroom and I want you to be very careful; have you any qualifications to make as to your testimony here as to any language you used to this man Pfeffer? **A.** All I said is, I said to him, "You are a dirty loafer, you are not fit to live."

Q. You swear you did not use any other words? **A.** I might have been excited; I didn't say anything about a bullet or anything like that.

Q. Now then you addressed Pfeffer before he spoke to you? **A.** I did, I said it was his work.

Q. Pfeffer hadn't spoken to you in this courtroom? **A.** No, sir.

Q. And while in this courtroom, and while this investigation was going on, you addressed a citizen by calling him a dirty loafer, and that he was not fit to live, isn't that the truth? **A.** Yes, sir.

Q. And Pfeffer had not addressed a single word to you, is that true? **A.** That is right.

Q. Did Pfeffer say anything to you in reply? **A.** No, he did not.

Q. Did you follow it up by saying anything to him? **A.** No, sir. I got out of the seat and walked away from him.

Mr. Goff.—Now we will just excuse you a moment, just step down. We will see if the city of New York is going to tolerate such work as this.

Norberth Pfeffer, called as a witness on behalf of the State, being duly sworn, testified as follows: .

By Senator Bradley:

Q. Have you any scruples about taking an oath on this book? **A.** I swear on the Old Testament.

Senator Bradley.—This is the Old Testament.

1.

Direct examination by Mr. Goff:

Q. Now, Pfeffer, give us your full name, tell your first name? **A.** Norberth.

Q. Now your second name? **A.** Pfeffer.

Q. You are familiar with certain workings around Essex Market police court? **A.** Yes, sir.

Q. And you have been in communication with Mr. Jerome and Mr. Moss and myself, in reference to these matters? **A.** Yes.

Q. And you have been directed by us to prosecute inquiries on behalf of this committee in relation to the workings of the Essex Market police court? **A.** Yes, sir.

Q. And you have been engaged in that matter for some weeks?
A. Yes, sir.

Q. And you have been informed by us that it is very probable, and almost certain, that you were to be called as a witness before this committee? A. Yes, sir.

Q. And there are matters which you have to testify in relation to that court and its surroundings before this committee? A. Yes, sir.

Q. Now, Mr. Pfeffer, I do not wish to ask you of those matters now; we will reach those in the proper order of procedure; I want to ask you to state accurately every word that was uttered to you by Officer Hussey, this morning, in this courtroom; now take your time and give us every word? A. He says to me, "You stinken son-of-a-bitch of a loafer, I will blow your brains out, I will kill you and will shoot you down like a dog; you are the one that caused all the trouble, you and Ike Vandaleer;" that is the exact words he told me, and he repeated them several times, and there were gentlemen there, and I didn't care to go on the stand for notoriety's sake—

Q. That will do; did you say anything in reply? A. No, sir; not a word.

Martin D. Bradley, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Bradley, you are an attendant upon this committee—the Senate committee? A. Yes, sir.

Q. And have been, as such attendant, engaged in the courtroom since the sessions of the committee—throughout the sessions of the committee, largely? A. Yes, sir.

Q. Were you at your post here at the rail to-day? A. Yes, sir.

Q. Did you see Officer Hussey? A. I did.

Q. Now, Hussey, will you stand up (the officer stands up); now I wish you to look upon that officer; did you see that officer address the witness, Pfeffer, here before you, that witness who has just left the stand? A. I did not know at first who he was talking to; I heard some.

Q. Do you recognize the man now that has left the witness stand? A. Yes.

Q. (Mr. Pfeffer pointed out to the witness.) Will you state to this committee what you heard Officer Hussey, whom you have identified here, say to Mr. Pfeffer, who has just stepped from the witness chair; give us the exact words, to the best of your belief? A. All I heard him say, I heard, I think, "blow your brains out;" before that I heard some talking, so I looked over that way, and heard him say, "I will blow your brains out."

Q. You heard Officer Hussey say to this Pfeffer, "I will blow your brains out?" A. Yes, sir.

Q. Those other words you did not hear? A. I did not catch what they were.

Q. You are positive that those words were, "I will blow your brains out?" A. Yes; "I will blow your brains out."

Samuel Marcus, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff.

Q. What is your occupation? A. Clerk in Mr. Moss's office.

Q. You are a law clerk? A. Yes, sir.

Q. Were you in the courtroom this morning? A. Yes, sir.

Q. Up to the present time? A. Yes, sir.

Q. Do you recognize Officer Hussey here in court? A. Yes, sir.

Q. Officer, please stand up (the officer stands up). What is your Christian name, officer?

The Officer.—Ambrose W. Hussey.

Q. You recognize Ambrose W. Hussey? A. Yes.

Q. You have seen him on the stand here? A. Yes, sir.

Q. And you have seen him now in court? A. Yes, sir.

Q. Do you recognize Mr. Pfeffer, this gentleman here in front, who has been on the witness stand? A. Yes, sir.

Q. Did you see Officer Hussey address Pfeffer here in the courtroom? A. When the witness Mandel mentioned Pfeffer's name he got very wild and commenced talking to him; I did not hear the first part of the conversation.

Q. When the witness Mandel mentioned Pfeffer's name? A. He got very wild.

Q. Who got very wild? A. Hussey did; he commenced to talk with him, and gesticulated toward him, and the first part

of the conversation I did not hear, but I heard him say he would put a bullet or blow out his brains, something to that effect; I heard the words "brains," I am sure of that.

Q. Did you hear the word "bullet"? A. Yes, sir.

Q. You are positive? A. Yes, sir.

Q. Are you clear about those words, Mr. Marcus? A. I am Mr. Goff.—That will do Mr. Marcus.

H. H. Alexander, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your name, sir? A. H. H. Alexander.

Q. Your address, Mr. Alexander? A. Eleven Pine street.

Q. And your occupation? A. Stenographer.

Q. Are you in any way connected with this investigation?

A. In no way whatever, sir.

Q. You were simply an onlooker here in court? A. That is all, sir, the first time I have been to court.

Q. Well, we are pleased to make your acquaintance, Mr. Alexander; now Mr. Alexander, while sitting in court this morning did you notice this officer who was on the stand address any person? A. Well I was listening to the witness Mandel on the stand, and I heard some loud talk down there which attracted my attention from the witness and I looked down and I heard the officer turn around to some man back there and say very fiercely, "I will kill you"; I was afraid it would happen there and I commenced to edge away a little bit, and an officer then went in front of him and restrained him and passed him behind the bar; another officer had his hand on his shoulder and that restrained him and he walked away on the other side of the room.

Q. Would you recognize the man to whom he said "I will kill you"? A. Yes; I would.

Q. Is that Mr. Pfeffer, the man? (Mr. Pfeffer stands up.) A. That is the man.

Q. Officer Shelby, is that the officer that put his hand on Hussey's shoulder? A. No, sir.

Q. Do you recognize the officers in the court-room that put their hands on him? A. There is the officer there standing; that is the officer; the other man I did not see.

By Mr. Goff:

Q. Are you prepared to swear that each one of the four gentlemen who have testified on the witness stand has sworn to a lie? A. The four men do not corroborate one another.

Q. Never mind that, sir; never mind about corroboration? A. I did not say that, that is all; they are gentlemen; I do not care what they say.

Q. Answer my question; they must be either lying, or you must be lying; one or the other? A. I did not say —

Q. I ask you now on your oath? A. On my oath, I did not say I would put a bullet in his brain.

Q. On your oath, are you prepared to swear that each one of the four gentlemen who have testified here, and the whole four together, have sworn to a falsehood; now answer that question? A. That question is not proper, Mr. Goff.

Q. Will you answer that question? A. I say I did not say anything about a bullet; putting a bullet in his head.

Q. Will you answer that question; the sooner you answer that question, the sooner you will get away? A. Then if they say that, they swear to a falsehood.

Q. They have sworn to that, and you heard them? A. Yes, sir.

Q. And have they sworn to a falsehood, in swearing to that; have they sworn to a falsehood in their testimony here? A. When they swore that I said I would put a bullet in him —

Q. We will be patient about this; the sooner we can get through with this, the better; have they sworn to a falsehood in their testimony here to-day? A. Only in that instance.

Q. Have they sworn to a falsehood in their testimony, to-day, in regard to the language you used to Pfeffer? A. In that one instance.

Q. Answer the question; have they or not sworn the truth? A. Yes; sworn; we had a conversation, we had a conversation; I did have a conversation with Pfeffer; I accused him he was not fit to live.

By Senator O'Connor:

Q. The question is: You heard these four witnesses testify; each testified to parts of the same conversation; each one using a different expression, but Pfeffer using all of these expressions

as is testified to by each of the four witnesses; do you say they testified to the truth or an untruth? A. They testified about the argument, truly, but not about the testimony of putting a bullet through his brain; I did not testify that; if I did, I was crazy.

Q. You must not be excited? A. When a man is accused by his wife and family —

By Mr. Goff:

Q. We do not want to make this any worse than it is, officer, but we have a serious duty to perform here, though it must be enforced, and we must insist upon an answer to this question; we do not propose to let it go over; I ask you again if, when those four witnesses testified that they heard you use the words — A. I have not —

Q. Now, will you please listen to me?

Senator O'Connor.—Listen to the question, and then answer the question put, nothing else.

Q. When those four witnesses testified that you used the words, "I will put a bullet in you," or "I will blow your brains out," or "I will kill you," did either one of the four witnesses, or all of the four witnesses, swear to a falsehood? A. Well, I have no recollection of saying such.

Q. Did they or did they not? A. I say what they said about the bullet in,—

Q. Did they swear to the truth? A. A falsehood when they said I would put a bullet in him.

Q. When the witnesses swore you said you would blow their brains out, did they swear what was true or false? A. That was false.

Q. And when the other witness swore to the words, "I will kill you"—you heard Bradley swear, "I heard the words, I will kill you;" does Mr. Bradley swear what was false or true? A. Mr. Bradley did not swear what was true; I did not say that at all.

Q. Did he swear to what was false or true? A. He must have sworn false.

Q. Did he swear what was false or true? A. I have no recollection of saying such.

Q. Did he swear to what was false or true; now, you will have to answer that question, officer; you can not get away from

it; did he swear what was false or true? A. I have no recollection—

Q. Did he swear to what was false or what was true; you are only making it worse for yourself? A. I was excited; I don't know what—

Q. Never mind, that is a question of afterward; did he swear to what was false or true? A. Mr. Bradley?

Q. Yes? A. If he says I said, "I would kill him," he swore false; I have no recollection of it.

Q. You say you were a good deal excited? A. Yes.

By Senator O'Connor:

Q. You lost— A. I did not lose my head; this is all crooked work to me.

Q. Do you lose your head when you are excited? A. I never was in such a predicament in my life; it is my family I care for, not for myself.

Mr. Goff.—That is all right, officer, you may go.

Mrs. Caddie Mandel recalled, testified as follows:

Direct examination by Mr. Goff:

Chairman O'Connor.—I want to direct all the witnesses who have been subpoenaed here to be here promptly at quarter after 3.

Mr. Moss.—And further, Mr. Chairman, may I say that no witness must speak to anybody, and no one in this courtroom must speak to any witness concerning any testimony or anything that is to be done here this afternoon. There are people here whose business it is to intimidate those poor people from the east side.

Chairman O'Connor.—If we find any such person for certainty, we will show what it is to intimidate a witness.

Mr. Moss.—The statement I wish to make in justice to Charles A. Place is, I want to say we called him here, not with any conviction or belief, or any shadow of a belief that he was the guilty party in the case of Mrs. Urchittel. We believe it was a foul effort to shoulder this terrible accusation upon him. We called him for the purpose of explanation; and we want to say that so it won't be charged against Mr. Place by any of his friends or associates or enemies that he has been in any way compromised by this evidence.

Chairman O'Connor.—That is fair.

Mr. Goff.—I wish to supplement Mr. Moss's remark in reference to Officer Place. It is but in the line of our conduct, and in conformity with our settled purpose that we will not permit a police officer of any grade to remain for one moment under an unjust stigma of suspicion of having committed an offense.

Chairman O'Connor.—The committee wishes to exonerate all accused who are not guilty. We take no pleasure in smudging officers, and we are very much grieved if he is found to be guilty.

Q. What happened in court? A. This gentleman came in and said well we have him locked up, and he had him locked up, and he called me over and said, "Caddie, go get me a bondsman;" so I asked where was I to go and he said you go to Bornstein and he will do that for me; I went to his place and he went with me and went as far as Second street, and he went in and said this man can not do anything of this kind at all; I can not interfere with anything, Hockstein is in it; that is what Bornstein said to me; I said to him, "My God," what will I do with the children, and he said I don't want to interfere at all, and he left me and went away, and then I went there to him again, and he said it is best to go somewhere else, and then I went home; that was in the morning I came there to the court; that was Friday, and was called before the court; my husband and I did not know what to do; I did not know where to go, and I went to court and staid there and a man called me out and asked "Would you like to engage a lawyer," and I said I don't know if I need any one, and they showed me Max Alter.

Q. Isn't that Mark Alter? A. I don't know; I did not see him.

Q. Is that the man your husband spoke of? A. Yes; I gave him \$20, and he said to me—oh, yes, they went in Mr. Smith's, in the saloon, and in that little room I gave him the money.

Q. That is Silver Dollar Smith? A. Yes; there is a little room there, and I called him and gave him the money, and I said, please I don't want to be in it, and Mr. Buck said that to me, and I gave \$20, and he went to the police court and talked up the judge.

Q. And Smith's saloon is across the street from the court? A. Yes; just across the way; and I say my husband scolded me for taking the counsel, and he did not want him to speak at all, but he didn't listen and went and spoke for him and said, I plead the man guilty for second degree; I thought he meant he was free.

Q. You did not tell him to plead guilty, did you? **A.** I did not; I told him how it was; but he said I did not understand him what he meant, and I went off and the policeman held by lantern.

Q. Did he say your husband would return the money? **A.** He said I wanted to return it, but I never said anything at all.

Q. But there was a plea of guilty in the second degree, and the prisoner would return the money, or you would return the money? **A.** I thought he would be free.

Q. You thought the lawyer was doing what was right? **A.** At first I did not understand him well, and I supposed he was doing what was right, and my husband was locked up, and I was chased out.

Q. Who was you chased out by? **A.** The officer standing there told me to get out; they didn't want to see me crying, and they told me to get out.

Q. Did they put their hands on you? **A.** No, sir; they said, "Get out," in a good way; so I went out, and I was in the afternoon to go and see my husband, and they did not allow me to come in; in the evening, I went up to Johnny Simpson's, and I cried very bitterly, and he left his team standing, and went with me; and then he went up there and left me in prison talking with my husband; and he said, "Do what you can," and they did not give me much time to talk, and I went away; and my husband told me, "You go to Pfeffer, and he will try the best what he can for you;" and I went with him, and went the same night to his house, and did not meet him; and I went the next morning at half-past 8, and waked him up, and he got up; he said, "I would not like to interfere; I had once a licking, and would not like to get another one."

Q. And Pfeffer anticipated a licking? **A.** Yes; that is what he told; I took my children along, and he took pity on me, and said he would see what he could do.

Q. Was that the same Mr. Pfeffer on the stand? **A.** Yes, sir; he took pity on me, and I never saw the man before; and he went with me all over, and where he got a bondsman they stopped him; and I went in Mr. Willett's place, or Mr. Greenfield, and he got property too, and he said, Mrs. Mandel, I do anything for you, but I won't go anything on those people, and wouldn't interfere with those people; he came in a few minutes later in the saloon when I was sitting there.

Q. The charge against your husband was that he had \$100 of Mr. Block's money, wasn't it? A. Yes, sir; the charge was he took of Mr. Block \$100, and he gave it on his name, in the bank.

Q. Deposited it in his own name? A. Yes, sir.

Q. Did Mr. Hussey say Mr. Hochstein asked for the money, at any time when you heard it? A. The very same night when my husband was arrested, I begged Mr. Bornstein, the first bondsman, to go and call out Mr. Hochstein, so I should see him myself, as I did not know the man, and he came out; he came out to me on the corner of Suffolk and Delancey streets, and then another man came out too with Mr. Hochstein, and he said, if you want to have that settled, if you give \$100 I will have it settled for you.

Q. Who said that to you? A. Mr. Hochstein.

Q. Is that Mr. Hochstein who has just been elected a delegate to a convention? A. I don't know that.

Q. He is a prominent man in that part of the city? A. Yes, sir; he said to me, "Well, if you don't give me the money to settle it, I will send away your husband for five years;" and I started to cry; he said, "What are you crying about; you must get used to be away from him;" and the other man came there to me and said, "Yes, your husband will be sent away;" and talked to me so in mean words, I stretched my hand to give him a slap; the name of the other man was Mr. Spitz; I never saw him before, and I did not see him until I saw him in court.

Q. Did either you or your husband take \$100 from Mr. Block? A. No; she only gave me \$43 for board for him and her.

Q. You mean to say that the charge of having taken \$100 is false; do you mean to say that? A. Certainly it is false; I told what I took.

Q. Neither you or your husband has ever been brought to trial down town? A. No, sir; there was no trial at all; no, sir; we were never called to trial; I went with George Steckler to Essex Market; and George Steckler would not at first go, and I cried and Pfeffer begged him and he went and said he did not want to have that case fought here, and would have him to the Tombs, and they took my husband down the next morning to the Tombs; I am afraid my husband will get sick; what will I do with my children if they take him away.

Mr. Moss.—We will take care of you.

The Witness.—I would have had them reported long ago, but I was afraid if I would come to the city with my three children

Q. And went with you? A. Not with me; with the man that had the jacket, to 200 Delancey street.

Q. Did you go there to? A. No; I was not there that time; the first time I was not there; they went up themselves; I wanted to go along, so the detectives said I didn't need to go along; they would come for me if they found anything.

Q. Who said you need not go along? A. The two detectives; the sergeant told me, too, I should stay in the station-house; if they need me they will send for me.

Q. You wanted to go along and identify your goods, but these two officers and the sergeant told you to remain in that station-house, and if anything was found they would send for you? A. Send for me.

Q. Did they send for you? A. Mr. Shelvey came around, and found some goods up there; they didn't know what it was; I should come there.

Q. Where did they say the goods were? A. In the rooms.

Q. Are you clear that they said the goods were in the rooms? A. Yes, sir.

Q. Who said they were in the rooms? A. Mr. Shelvey; I went up there and I said "Them goods don't belong to me," and I was starting to leave the place, and I didn't find no goods at all; afterward the people from the same building were hollering; the lines were torn down in the yard; somebody knocked down two bags with goods through the window; so I and Detective Shelvey went down in the yard and found all the goods there, but I am short for \$250 more goods.

Q. The second time there was an attempt made to investigate you were called in, went up to the rooms, found nothing, and the tenants below were talking about their lines having been broken.

Q. Pulley lines? A. All the lines were tron down.

Q. And bags had been thrown down? A. Yes.

Q. Then you went down in the yard and found two bags there with the goods? A. Yes; with goods.

Q. What was the condition of the bags; were they whole or torn? A. No; they were wrapped up together.

Q. Were the goods scattered? A. I didn't find all the goods; the goods were put out in the yard; afterward my partner went out himself and found two pieces of satin laying in the yard too, and he brought it to the station-house

Q. Did Officers Hussey or Shelvey, or either of them, tell you how these goods came to be in the yard? A. No; they said they didn't find them up there; I was not there at the time.

Q. Then I suppose somebody was taken to court? A. I don't know.

Q. Weren't you in court? A. I was in court; and the receiver was locked up.

Q. That is, Mr. Weisman? A. Yes; and the expressman was locked up; and the workman I caught with the jacket was locked up; and the workman was discharged right away and the expressman too; and the receiver was held in \$250 bail; and the trial was held in the General Sessions and he got discharged.

Q. What was the defense the receiver made, Mr. Weisman? A. I don't know.

Q. Did Mr. Weisman say that the goods were not found upon his premises? A. When I came up there I was hollering where is my goods; Mr. Weisman's wife said "Don't holler, your goods is here;" I said "Where is my goods;" she says "I just knocked it down through the window;" Mrs. Weisman told me that.

Q. Did Officers Shelvey and Hussey subpoena Mrs. Weisman to court? A. No; only myself.

Q. Did they subpoena any of the tenants in court whose lines were broken down? A. No, sir.

Q. Did they testify that they didn't find the goods in the rooms? A. They testified to the judge that they didn't find the goods in his premises, and he got discharged right away.

Q. But they said they found them in the yard? A. Yes, sir; and he got discharged.

Q. Discharged on the officer's testimony? A. On the testimony that they said they didn't find the goods in his premises; I got the jacket laying in headquarters, too.

Q. Did the expressman tell you where he had taken the goods, too? A. That man I caught with the jacket told me that he had took the goods from 3 Eldridge street; he made a moving job at 4 o'clock at night from 3 Eldridge street to 200 Delancey street.

Q. Did he tell you where he brought them? A. Yes; he brought detectives there; they knew where the goods were.

Q. Did the expressman say he took the goods up stairs? A. Up stairs; he brought them to the room.

Q. Was that expressman examined as a witness against the receiver? A. They did not examine nothing; they discharged the receiver right away, because the officer said they didn't find the goods in his premises.

Senator Bradley.—What court was that in.

Mr. Moss.—Essex Market.

Q. Who was the presiding judge? A. I don't know his name; an old man.

Q. Was it Judge Koch or Judge Hogan, or who? A. I don't know.

Q. Describe his personal appearance? A. He was an old man, a grey man, grey hair; it must be Judge Koch.

Q. What month was that, if you can tell now? A. I don't remember the month, but I know it was on the 4th after Christmas.

Q. Was it the winter time after Christmas? A. No; it was starting, the winter was; it was starting Christmas.

Q. Do you mean to say it was before Christmas? A. No; before or after, I can not remember.

Q. In the neighborhood of Christmas? A. Yes; in that time.

By Senator Bradley:

Q. Did I understand that one of the jackets was at police headquarters? A. Yes.

Q. Why can't you get it? A. I don't know.

Q. Did you make a requisition for it? A. I told the district attorney; the district attorney told me I should sue the clerk, and he didn't want to give me the jacket, because he has been discharged.

By Mr. Moss:

Q. Everybody has been discharged? A. Yes.

Q. And your jacket is at headquarters? A. Yes; and besides that I am short \$250 more; I was robbed of \$600.

By Senator O'Connor:

Q. Was this yard right back of Weisman's premises, this yard into which the goods were thrown? A. Certainly; it belongs to Weisman's house.

By Senator Bradley:

Q. Did you ever find out, or did any of the neighbors tell you whether the goods were thrown out the window while the policemen were there or after they were there? A. It was after the policemen were there.

Q. Was that after the policemen went there or before? A. While we were up there.

Q. While you were up there? A. When we came up.

Q. And the policemen were there? A. Yes; the two officers were there.

Q. So they must have known that the goods were thrown out the window? A. I don't know whether they knew it or not.

Rebecca Masch, a witness, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Are you the wife of the previous witness? A. Yes, sir.

Q. You have heard your husband's testimony, have you? A. Yes, sir.

Q. Did you identify a jacket that had been stolen from your place? A. Yes, sir.

Q. When did you identify it? A. The same evening that the goods were stolen.

Q. Can't you tell me what month it was in? A. I think it was in November.

Q. In November of last year? A. Yes, sir.

Q. November, 1893? A. Eighteen hundred and ninety-three.

Q. Please tell me all you know about it? A. My husband went to the store in the morning about 6 o'clock, to open the store; he left the house about 10 minutes to 6; he came back about five minutes after 6 and said he was robbed; the place was broken in the back, the bars were cut, the iron bars were broken and all the goods were taken out; the same day I went to my sister's, who lives at the corner of Broome and Clinton streets; as I was at the door a man came there and asked us if we wanted to buy a jacket; as soon as I saw the jacket, I identified it, because I knew the jacket was made for a particular customer; while I was trying to buy that jacket, I sent for my husband, and when he came he said it was his jacket, and the policeman was at the door, and we called him and this man was arrested.

Q. Tell just what happened? A. He was taken to the station-house; he wouldn't tell who this man was where he got the jacket; so the sergeant or the captain says that if he don't tell where he took the goods to—he asked him where he got that jacket from, and he said he got it from 3 Eldridge street; he moved some goods from there to 200 Delancey street, and he said he got that jacket.

Q. That was his pay? A. His pay.

Q. Where did he say he had taken the goods to in 200 Delancey street? A. He wouldn't tell the name; he says he knows where the place was.

Q. Did he say what floor it was? A. He said the second floor, 200 Delancey street.

Q. After that was said, what happened? A. Shelvey and Hussey went there with this man, and in about 10 or 15 minutes I went up with my husband but couldn't find any of the goods in the house; then the people of the house come up; they saw the detective coming up and went up, and they said, "There are two bags of goods in the yard."

Q. Did they say how they came to be in the yard? A. They said they were thrown down.

Q. How many people told you that? A. The halls and the streets were crowded with people; they went down in the yard and found the goods, and the goods were taken to the station-house.

Q. Did you afterwards learn that the apartments where the goods had been were the apartments of Mr. Weisman? A. Yes, sir.

Q. Did you appear in court afterwards? A. Yes, sir.

Q. Were any of the tenants of the house called as witnesses? A. No, sir.

Q. Did any one testify in the case except Officers Hussey and Shelvey? A. No, sir.

Q. Was Mr. Weisman held for trial or was he discharged? A. He was arrested, and in the morning he was discharged.

Q. Do you know what judge was sitting at the court? A. I don't know; I think it was Koch; I don't know exactly.

Q. Have you seen Officers Hussey and Shelvey in the court to-day? A. Yes, sir.

Q. Officer Hussey who testified? A. Yes, sir.

Q. And Officer Shelvey who stood up in the back of the room? A. Yes, sir.

Q. Do you identify them as the officers of whom you have testified? A. Yes, sir.

By Senator Bradley:

Q. You can not be mistaken in the officers? A. No, sir.

Q. Were you examined as a witness in court; were you sworn? A. Yes, sir; but not against the receiver.

Q. What were you sworn for? A. Against this man who had the jacket; the man that said he got this jacket for his pay.

By Mr. Moss:

Q. Against the expressman? A. The expressman, workman.

By Senator Bradley:

Q. You testified in court the same as you have testified here to-day? A. Yes, sir.

By Mr. Moss:

Q. All except the expressman? A. The expressman.

Norberth Pfefer, was duly sworn as an interpreter.

Annie Trywusch, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you live? A. (Interpreted.) In Brooklyn.

Q. Have you been keeping a newsstand in New York? A. Yes, sir.

Q. Where did you have your newsstand? A. (Interpreted.) Corner of Rutgers street and East Broadway.

Q. New York? A. New York; yes, sir.

Q. You are a married woman, are you not? A. Yes, sir.

Q. And your husband is in court here? A. Yes, sir.

Q. How long have you been keeping that newsstand? A. I guess it was near three months.

Q. Tell us where the newsstand was on the sidewalk? A. Right by the lamppost; it was in the middle of the lamppost.

Q. Where was the newsstand on the sidewalk? A. (Interpreted.) Corner of Rutgers street and East Broadway.

Q. Was it out on the sidewalk near the curbstone? A. (Interpreted.) No, sir.

Q. How was the stand; what was it; a table; if so, where was the table placed? A. (Interpreted.) It was a small kitchen table.

Q. Was it placed up against the store window, against the store door? A. (Interpreted.) It was on the corner, near the window.

Q. Was the store occupied? A. (Interpreted.) The store was closed.

Q. That is, there was no tenant in it? A. (Interpreted.) No.

Q. Who owned the building? A. (Interpreted.) I don't know, but my husband knows; he is here.

Q. Do you know if the woman who owns the building gave you permission to put you little table there? A. (Interpreted.) Yes.

Q. Did you keep your table there all day, or did you keep it merely while you sold the morning papers? A. Only from 6 to 10 o'clock.

Q. From 6 in the morning until 10 o'clock in the morning?

A. Yes, sir

Q. That is while you sold the morning papers? A. Yes, sir.

Q. Did you ever see that officer (pointing to Officer Lynch)?

A. Yes, sir.

Q. Was he an officer on the beat where you had your little newsstand? A. (Interpreted.) He always passed my stand.

Q. Did he ever say anything to you about paying for the stand?

A. (Interpreted.) He told me several times, and also this morning, that I should take the table away.

Q. Did he ever ask you for any money? A. (Interpreted.) He asked me whether I paid rent; I says no; so he says, "Then I want you to give me \$5."

Q. What did you say when he asked you to give him \$5? A. (Interpreted.) "I haven't got any money."

Q. When did he ask you to give him \$5? A. (Interpreted.) This morning, and then immediately after I told him that I hadn't got any money he locked me up.

Q. And this was this morning? A. (Interpreted.) Yes, sir.

Q. And because you hadn't the \$5 this morning to give him he locked you up to-day? A. (Interpreted.) Yes, sir.

Q. And he brought you to the Police Court, did he? A. (Interpreted.) Yes, sir; in the Essex Market.

Q. You were discharged in Essex Market? A. (Interpreted.) Yes, sir.

Q. You were discharged by the justice? A. (Interpreted.) Yes, sir.

Mr. Goff.—This is a most remarkable case. Notwithstanding the fearful revelations that have been made before this committee, of the bribery, corruption and impositions practiced by the police officers touching these poor people, it is right before us again in the instance of this poor woman with her little kitchen table, selling the morning papers, who is arrested because she didn't give this officer \$5.

Q. Is that the man that asked you for \$5 and who arrested you to-day, because you hadn't it to give him (pointing to Officer Lynch)? A. (Interpreted.) Yes, sir.

By Senator Bradley:

Q. Did any other officer ask you for any money before? A. (Interpreted.) No other officer or no one else ever asked me for any money.

Q. Have you got any family? A. Yes, sir; I have four children.

Q. And that is the only visible means you have of support? A. Yes, sir.

Q. Is your husband working? A. He ain't got no work.

Q. How long has he been out of work? A. Couple of months.

Q. This is the only way you have of supporting yourself and your children? A. Yes, sir.

Q. Selling the morning papers? A. Yes, sir.

Samuel Tryusch, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Are you the husband of the last witness that left the stand? A. Yes, sir.

Q. She has testified that she had a little news-stand or table on which she sold papers? A. Yes, sir; but excuse me; can't I explain how that is, the newspaper stand; I got the newspaper stand, but this morning I got to attend to the road and my wife attended to it this time, and I intended to supply the people with the newspapers.

Q. Do you carry around the newspapers? A. Yes, sir; and my wife stays at the little stand.

Q. This was a kitchen table? A. It was a little table nearly three feet long by 20 inches wide.

Q. Did you see the owner of the store where you had your little table in front of? A. As soon as I started my newspaper stand, I went to the Landlord Mr. Tobying; the store was empty this time; I asked for permission if I can put up a little stand; he said if a man wants to try to make a living all right, I will let you; you can put up your table; "if Mr. Dillon takes this for a drug store, he gave me permission; he says you can stay here;" that is all.

Q. Did your wife tell you anything about the policeman asking her any money for rent? A. That is two months ago; my wife told me — I came from the road; my wife said, "The policeman was here;" he asked if I paid rent here; "She said she didn't pay nothing;" then he said I have got to see the ward detective; "All right," I said, "I will go and see him;" I went down to the station-house; that was near 6 o'clock; I saw Sergeant McSweeney going out; of course I know him; he lived in the same house where I kept the newspaper stand; he came sometimes to take a paper from me; I told him that there was a policeman by my wife, and told her that I had to see the ward detective; he said, "No; it ain't necessary to see anybody; if he came again, tell him that the sergeant gave you permission."

Q. That is if the policeman that told you you would have to see the ward detective came, to tell him that the sergeant had given you permission? A. Yes, sir.

Q. What occurred to-day? A. Well, after he come once again, he asked my wife why don't she move away with the table; she said, "Well, I got permission;" well, to-day I came; I don't see nobody by the stand; I went in the drug store, I asked, where is my wife, where is the papers; they say, "The papers are here, but your wife is arrested;" I went right away to the Essex Market court; I met the policeman in Essex street with my wife.

Q. This officer here (indicating)? A. This officer; I said "Officer, I am the owner of the stand; take me and leave my wife go;" well, he told me he could not do this; he got to take my wife; after I was in the Essex Market court; I can not listen to nothing what it was; the officer what kept the door put me on the last bench; I wanted to speak to my wife.

Q. You wanted to speak to your wife? A. Yes.

Q. And you were put on the last bench? A. He put me on the last bench; as soon as we went out the policeman told me

that I never can keep a newspaper stand in this neighborhood at all; you see, I tell you, there are five newspaper stands in this neighborhood; one is on the corner from Jefferson street and East Broadway; one is between Jefferson in Canal street, right on the square; one is on the corner of Canal and Division; one is on the corner of East Broadway and Rutgers street, across the way from me; one is on the corner of Essex street, near Canal; you see everybody got up his stand, but he locked up my wife; after if he locked up my wife other people take away the stand; but he didn't say to nobody else but my wife to put away the stand.

Q. Your wife was the only one that was arrested? A. Yes.

Q. He didn't compel the other people to take away the stand? A. No.

Q. Did you hear anything about \$5? A. That is what I hear, what my wife told me.

Q. She told you that to-day? A. Yes; after she was out, I asked her what is the trouble; "What was the trouble with you;" she told me, "Well, he asked me for \$5, but I couldn't give it to him, because I haven't got it; then he arrested me for it;" after the officer told me where I lived, I told him I lived in Brooklyn; he told me plain, "You have no business to have business in New York; if you live in Brooklyn, go to Brooklyn.

By Senator Bradley:

Q. Was your wife or yourself ever asked for any money by any officer, or any other one, prior to to-day? A. No, sir; there is a lot of officers in this neighborhood; nobody asked me nothing.

Q. You say the sergeant takes the paper from you every morning? A. Not every morning, but sometimes he took a paper.

Q. Does he pay for it when he gets it? A. Yes, sir.

Jacob Haffen, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. Six hundred East Eighty-third street.

Q. Did you buy a saloon at No. 1613 Avenue B.? A. Yes, sir.

Q. When? A. February 27th.

Q. Of this year? A. Yes, sir.

Q. Who did you buy it from? A. Francis Kuhn.

Q. For how much? A. One thousand dollars cash and \$1,700 mortgage.

Q. Was the mortgage on when you bought the saloon? A. Yes, sir.

Q. You bought it subject to the mortgage? A. Yes; \$2,700 whole amount.

Q. At that time was the license renewed? A. No; they transferred the license over to me.

Q. When did it run out? A. The 6th of June.

Q. Do you know what became of the mortgage of \$1,700? A. They foreclosed the mortgage on me.

Q. Who bought the property in? A. Louis J. Gurkin.

Q. For how much? A. Fifteen hundred dollars.

Q. Did you sign any paper by which the license and the lease should be security for the mortgage as purchased by the new man, by Mr. Gurken? A. No, sir; I didn't.

Q. Who did you sign the paper for? A. I signed the paper for Ruppert?

Q. For Ruppert, the brewer? A. Yes, sir.

Q. Between February 10, 1894, and September 10, 1894, did you see any police officer in relation to your business? A. I saw the ward detective.

Q. What is his name? A. Jacob Brunner.

Q. Of what precinct? A. The Twenty-seventh.

Q. Where is the station-house? A. Eighty-eighth street.

Q. What did you say to Mr. Brunner, or what did he say to you? A. He said I had to do like the rest of them.

Q. What was that? A. I got to pay \$5 every month.

Q. For what? A. For protection.

Q. What kind of protection; protection for what? A. That they don't pull me Sundays.

Q. Did you pay Mr. Brunner? A. Yes, sir.

Q. What did you pay Mr. Brunner? A. Three times, \$5.

Q. Three different months? A. Yes, sir.

Q. Where did you pay him? A. In my saloon.

Q. In what day of the month? A. I only remember one; the 19th day of May I paid the last.

Q. The 19th day of May was the last payment? A. Yes, sir.

Q. And then in each of the preceding two months? A. No, that was before; two months before.

Q. In April and in March? A. Yes, sir.

Q. That made \$15? A. Yes, sir.

Q. Was any one present when you paid the money? A. Yes, sir.

Q. Who? A. A fellow by the named of Joe Schmidt.

Q. Where does he live? A. In Newark, New Jersey.

Q. Whereabouts in Newark? A. I can not tell you now; I haven't got his address.

Q. Have you his address at home? A. No, I haven't.

Q. Do you see him sometimes? A. I might see him this week some time yet.

Q. Will you let us know his address if you see him? A. Yes, sir.

Q. Did you pay any money to any other man in relation to your saloon for protection? A. Not for protection, but I paid some money to a license inspector.

Q. You paid some money to an excise inspector? A. Yes, sir.

Q. Who was that? A. Matt Murphy.

Q. When did you pay him? A. When I bought the store I had to give him \$10.

Q. What for? A. He said he wouldn't transfer the license unless I did; I offered him \$5 and he wouldn't accept it; he said, "If you can not pay \$10 we will fix you for it."

Q. How much did you pay him? A. Ten dollars.

Q.

By Senator Bradley:

Q. While you were keeping a saloon did you have any visits from officers in uniform in your place? A. They came often and had drinks there.

Q. Did they pay for them? A. No, sir.

Q. Never paid for them? A. No, sir.

Q. All deadheads? A. Yes, sir.

Samuel Abramson, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your business? A. Pharmacist.

Q. Where do you keep your store? A. One hundred and seventy six Delancey street.

Q. Do you know a man named Max Hochstim? A. No, sir; I heard of him, but know him personally.

Q. Do you know him when you see him? A. Certainly.

Q. How frequently do you see him? A. I didn't see him lately, but I used to see him pass months ago.

Q. How long was that? A. About three months ago or two months ago; I couldn't state exactly.

Q. Up to the time when you haven't seen him so frequently, how frequently would you see him? A. I mostly attended to my business in my store, but I used to see him passing by the store; I don't know where he went to; may be to the station-house next door.

Q. Don't you know that he went into the station-house? A. I don't know; I couldn't say that, because I always attended to my own business strictly.

Q. Your store is very close to the station-house, isn't it? A. Yes, sir.

Q. Who has talked to you since you have been spoken to about your evidence? A. Nobody.

Q. Nobody? A. No, sir.

Q. Mr. Hochstim is a rather powerful man in your neighborhood? A. He may be over somebody else, but not over me.

Q. How is it that you have told some one that you have seen Mr. Hochstim going into the station-house so frequently and yet you don't say it here? A. I don't know to whom I ever made the remark at all.

Q. Do you say you never made the remark? A. I don't think so, because I never looked at that man; I heard his reputation, but I mind my own business.

Q. What is his reputation? A. Not a good one; I have lived in that neighborhood for six years, but I never interfered with him.

Q. Did you hear of him in connection with police matters? A. I heard of him, but not exactly what; I couldn't state of him only I heard he interfered in everybody's business.

Q. Have you not said very recently that you have seen Mr. Hochstim going into that station-house several times a day? A. I don't remember; may be I said so, but I couldn't say exactly.

Q. If you said so it was true, wasn't it? A. If I said so, no doubt it was true, but I don't remember if I have said so; but if I did say so, may be it is true.

Q. If you said so, it is true? A. Yes, sir.

Q. Therefore, if you should say it now, it would be true? A. I can not say directly that I have seen him, but I may have made that remark; but, in fact, I never attended to anybody's business but my own.

Q. Don't you know that Mr. Hochstim went into the station-house frequently? A. I don't know it; I don't know that.

Q. Then why did you say to any one or why should you say to any one that he went in several times a day? A. I don't think I said so.

Q. But you won't say you didn't? A. Positively I couldn't negatively.

Q. Why can't you say no to that? A. I don't say no; I said I might have said so.

Q. Why don't you say you didn't say it to anybody? A. Because I swore, I must tell the truth.

Q. If you can not say you didn't say it then you may have said it and admit that? A. I may have said it certainly.

Q. And if you may have said it, why then the fact may be that Mr. Hochstim did go into the station-house to your knowledge? A. It may be very much.

Q. Now, I understand that it may be that you know that Mr. Hochstim has gone into the station-house very frequently; it may be so? A. It may be so.

Q. It may be that you know that? A. What I seen passing by; I thought he goes there, but not lately.

By Mr. Bradley:

Q. Did you ever see him go into the station-house? A. Not directly.

Q. Did you ever see him going into the door while you were washing your windows? A. I don't wash my windows.

By Senator O'Connor:

Q. What did you mean by "Not directly;" in answer to a question you said "Not directly;" what do you mean? A. I didn't watch him go there, or anything; I didn't take no notice; may be he went there, but I never tried to take no notice of him; I didn't pay no attention to it.

By Senator Bradley:

Q. He might be going to church? A. That is not my business; he can go wherever he wants to.

Q. You don't know whether he went to church or to the station-house? A. No, sir.

Mr. Moss.—I read from the blotter of the Twelfth precinct: January 4, 1894, 8:55 p. m. Adolph Essenberg, age, 22; color, white; nation, Russian; calling, express; single; can not read and write; 176 Broome street; complaint, burglary; name of complainant, Morris Mash; residence, 3 Eldridge street; officer, Henry Ebert; was found in Broome street trying to sell a ladies' cloth sack, value \$5, which had been stolen from Eldridge street by burglars last night; property of complainant.

9:40 p. m.—Samuel Weisman; 32 years of age; white; Austrian; tailor; married; can not read or write; residence, 200 Delancey street; receiving stolen goods; complainant, Morris Mash, 3 Eldridge street; officers, Shelvey and Hussey; discharged by Judge Koch; prisoner was found at 200 Delancey street; some stolen property of above case in his possession.

Remarks.—Cash, \$6.10, and four pawn tickets.

Opposite, the name of Eissenberg. Opposite the same name, discharged, General Sessions, Judge Cowing, January 18, 1894.

At the same hour.—Property recovered; detectives, Edward Shelvey and Ambrose W. Hussey brought over a large lot of beaver and cloth and trimmings; value, \$400; the proceeds of a burglary at 3 Eldridge street at about 9 p. m.; property was found in the possession of the prisoner, Samuel Weisman, at his premises, 200 Delancey street.

The blotter shows that the property was found in the possession of the prisoner.

Adolph Forst, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Do you know Officer Hussey? A. Yes, sir.

Q. Where do you live? A. No 266 East Houston street.

Q. Did you keep a coffee saloon on Clinton street? A. Yes, sir.

Q. What number? A. No. 123.

Q. Did you have a conversation with Officer Hussey in that saloon? A. I didn't have nothing; only I got pulled from him.

Q. What did Officer Hussey say to you the first time you saw him? A. I saw him the first time he come around and told me that I got arrested; he locked me up.

Q. What did he say he would lock you up for? A. Two people were playing pool; he said no people could play pool Sundays.

Q. Did he say you would be locked up for having gambling in your place? A. No, sir; because there was not gambling there.

Q. Is that all the conversation you had with Mr. Hussey? A. That is all.

Q. You were raided, were you, for having a pool-table running on Sundays? A. Yes, sir; and four people were playing pinochle for pleasure.

Q. Weren't you charged with gambling? A. No, sir.

Q. What was the charge? A. For playing pool and cards on Sunday.

Q. That is no charge; that is no crime; what was the charge against you; was it gambling? A. No, sir; for playing cards and pool on Sunday.

Q. That is not a crime, unless it was gambling? A. No gambling at all, because he did not find gambling there.

Q. If Officer Hussey did not find any gambling, and if a few friends playing cards on Sunday is no crime, why did Officer Hussey arrest you? A. He said he would get me arrested; he was there and couple of officers with him; I can bring you 20 people and they can tell you nobody was gambling.

Q. You are positive there was no gambling, but you are positive you were arrested because you had some friends playing cards? A. That is all.

Q. You know that is no crime? A. I was in the court, and the court —

Q. Answer the question; you know that is no crime, don't you? A. I know that.

Q. Aren't you angry at Officer Hussey for having arrested you for no crime? A. No, sir.

Q. Weren't it wrong for Officer Hussey to arrest you without crime? A. Well, he claims —

Q. Never mind what he claims; wasn't it wrong; didn't he do you an injustice in arresting you when you committed no crime? A. I didn't say nothing.

Q. I ask you now, didn't he do you an injustice? A. I don't understand.

Q. Do you think he was right in arresting you? A. No, sir.

Q. Now, tell us, why did he arrest you; you know why he arrested you; we know too? A. Well, that is for what he got me arrested.

Q. What was it for? A. For playing cards and pool on Sunday.

By Senator Bradley:

Q. Come right down to the fact? A. That is the same what I say in the court and the same what I say in the General Sessions, and I got fined \$10; I got in Essex market 11 people as witnesses, and the judge held me in \$300 bail.

By Mr. Moss:

Q. Haven't you told somebody very recently a cause for Hussey's arresting you different from what you state now?

By Senator Bradley:

Q. Didn't you tell some of your friends the reason why Hussey arrested you? A. Yes; I told them.

Q. What was the reason that he arrested you? A. I was saying to the people that I got arrested for this and for this.

Q. Now, that will do; what was the cause of his arresting you; that is the question Mr. Moss is asking you when you were not violating the law, why did he arrest you? A. Well, I don't know more than that; he said it was against the law to play pool and cards on Sunday.

By Mr. Moss:

Q. Has Officer Hussey spoken to you to-day? A. No, sir.

Q. Has anyone asked you what you were going to testify to-day? A. No, sir.

Q. You have told some persons what you were arrested for? A. Oh, yes.

Q. You have told some persons what Officer Hussey said to you, haven't you? A. No; I don't think that I told to somebody; only I know —

Q. Haven't you; yes or no? A. I told the people the same.

Q. Haven't you; yes or no? A. I told the people the same. to you; yes or no? A. I don't know what you mean — he told me.

Q. Haven't you told some persons what Officer Hussey said to you? A. Well, I can not say that, because I didn't say to nobody more than that.

Q. Haven't you told some persons; you have, haven't you? A. Well, I said to people, what for?

Q. Now, haven't you told some persons that Officer Hussey came to see you and told you you would have to pay for protection? A. No, sir; he didn't —

Q. Haven't you told somebody that? A. To somebody?

Q. Haven't you told somebody that Hussey told you you would have to pay for protection? A. No, sir.

Q. You never have told that to a soul? A. No; to nobody.

Q. Have you told anybody that Hussey told you that you would have to go to see Hochstim? A. No; a man in there told me, "You go around to Hochstim and get a help;" I was out to the market; I asked, "Where is Hochstim;" he said he had a saloon corner of Delancey and Forsyth street; I went there and told him the whole business what I got.

Q. Was that after your arrest? A. After my arrest.

Q. Didn't someone tell you to go and see Mr. Hochstim before you were arrested? A. After my arrest.

Q. Didn't someone tell you to go and see Mr. Hochstim before you were arrested? A. No, sir.

Q. Didn't you ever hear of Mr. Hochstim before you were arrested? A. I heard of him, but I had nothing to do with him; only after the arrest.

Q. Did you see Officer Hussey in court during arrest? A. I didn't see him here

Q. Did you see him in the hall? A. Yes.

Q. Did he look at you? A. No, sir; I seen him when he was standing at the wall and I was going down.

Q. Are you afraid of Officer Hussey? A. No, sir; what for?

Q. Of course, you are not afraid if you don't tell anything against him; are you afraid to testify against him? A. Well, I tell the truth what I know.

Q. Are you afraid to testify against Officer Hussey? A. I am not afraid at all.

By Senator Bradley:

Q. Did you hear the testimony where he said he would blow a man's brains out; he didn't say to-day he would blow your brains out, did he? A. No, sir.

By Mr. Moss:

Q. Did Hochstim tell you in court that you must put up some money? A. He told me in his house that I should give \$10.

Q. What for? A. He said he would give me help if I would give him \$10.

Q. Did you give it to him? A. Yes, sir.

Q. What help did he give you? A. Well, I don't know, because I never seen nobody any more in my place; I kept the place two months more, and after the next month he sent around and said, "Here, Mr. Forst, you know you got to put up your money."

Q. Were you discharged in the court? A. No; I paid \$10 fine.

Q. That was in addition to what you paid Mr. Hochstim? A. I was fined, and after that I gave Hochstim \$10.

Q. You paid Hochstim \$10 and you paid the court \$10.

Senator Bradley.—Mr. Moss, did you hear that this man came and told him he would have to put up again.

Q. Is that the second \$10 you paid Hochstim? A. No; he sent to me and said the time is more, and I would have to give him another \$10; I said, "Business is low, and I can not pay any more;" and the next time he did the same, and I never paid any more, because I sold out the place.

Q. How many times did you pay Hochstim protection money? A. Two times.

Q. What did he say that money was for? A. That I would never get into trouble any more.

Q. And you gave him the money? A. Yes, sir.

Q. Did he say what he was going to do with the money? A. No, sir.

Q. You have a wife and family, have you? A. A wife.

Q. And you are a poor man, I suppose? A. Yes, sir.

Q. Do you remember on one occasion when you didn't pay the money to Hochstim that he came around to see you about it? A. Yes, sir.

Q. What did he tell you then? A. He told me that he wants \$10, and I told him that I hadn't got it.

Q. You told him that you were broke, didn't you? A. Yes, sir.

Q. Then what did he say? A. He said that he wants it; he didn't care for anything; he wants the money.

Q. What did he tell you to go and do to get the money; I am examining you from a statement which you have made; portions of it you do not carry out, but a good deal of what you have

just said now, is on that statement; so you see I have got a correct statement of what you have told your friends.

By Senator O'Connor:

Q. Did you tell the truth when you gave the statement before?

A. Yes, sir

Senator O'Connor.— Read him the statement, Mr. Moss.

Mr. Moss.— I haven't taken the statement personally.

By Mr. Moss:

Q. Had he called your attention to this fact; I ask you to give me the words, as near as you can remember, that Hochstim used to you? A. Yes.

Q. Be careful? A. This time he came around, and I said I haven't got any money to pay him; he said he didn't care; "You can put your wife in hock to pay the money"

Q. What did he mean by that? A. I don't know.

Q. You were not willing to do that, were you? A. Certainly not.

Q. And you broke up your business, didn't you? A. Yes.

Q. That was the end of it? A. Yes.

Q. You couldn't stand up against Max Hochstim? A I sold the business this time.

Q. Now, tell me what Officer Hussey said to you the first time you saw him? A. I never saw him before.

Q. Didn't someone tell you that you must give some money to Hussey? A. No, sir.

Q. Didn't Hussey tell you that you must give him some money? A. No; he never told me that.

Regina Forst, a witness called by the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You are the wife of the previous witness? A I can not talk English.

(Witness examined through Interpreter Pfeffer.)

Q. You heard the testimony of your husband who said that he broke up his business rather than to put you out of his possession, didn't you? A. Yes.

Q. Did you ever see Officer Hussey? A. I have seen him; he came in and walked out.

Q. That is while you had the coffee saloon in Clinton street?
A. Yes, sir.

Q. What did Hussey say when he came in, did you hear? A. He said that he passed there some nights and he heard people playing pool, and he said he heard they were playing cards inside, and he said he would catch me; my husband told him, "Do what you can."

Q. Do you mean to say that Officer Hussey went to warn you that he knew you were breaking the law? A. These are the very words.

Q. What did he come in to tell you that for? A. I don't know.

Q. Didn't he ask for something? A. He said nothing, but after we were pulled a lot of people told us to go to Hochstim and Hochstim would give us protection; he protects a great many others.

Q. Did Mr. Hussey mention Mr Hochstim's name? A. No, sir; different people.

Q. How soon after Hussey told you that you were having gambling there were you asked to see Hochstim? A. After I was pulled.

Q. How long after? A. Perhaps a week after.

Q. How long? A. We wanted to be sure of the place; we were afraid, and when the trial was we paid \$25 fine.

Q. Where did you pay that? A. My husband carried the money over to Hochstim, the fee, \$25.

Q. Is that what you mean when you say you paid the fine? A. No; that is no fine; it was protection.

Q. Twenty-five dollars? A. Yes; and every month \$10, after.

Q. Did you have any talk with Mr. Hochstim about this protection money? A. No, sir.

Q. Do you remember the time when Mr Hochstim came in and wanted the money to be raised? A. Yes, sir.

Q. What did he say? A. He didn't come in but he called my husband out.

Q. He had decency enough to say that out of your presence? A. Yes, sir.

Louis Schuss, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. No 210 Delancey street.

Q. Do you know Officer Hussey? A. Yes, sir.

Q. Did you have a conversation with him about protection on one occasion? A. No, sir.

Q. Did you have a conversation with him about Mr. Hochstim?
A. No, sir.

Q. Never? A. I kept the barber shop.

Q. What did Mr. Hussey say to you in the barber shop? A. One day he passed by; he seen a couple of customers of mine sitting at a table; he said, "I want you to stop the game; if not I will get a warrant for you."

Q. You had a barber shop? A. Yes; friends sat down to play for fun.

Q. Did you have gambling? A. No, sir.

Q. You say Mr. Hussey threatened to get a warrant against you for gambling? A. Yes, sir.

Q. What else did he say? A. That is all; he went off.

Q. Didn't he mention Hochstim's name? A. After he came back I was frightened; I never kept a gambling-house; I asked him what was to be done; "Well," he said, "you want to see Max Hochstim about it;" that is all he told me.

Q. Did you see Max Hochstim? A. No, sir; I never seen the man in my life.

Q. You had no game, and you didn't care? A. No, sir.

Aaron Alstadt, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. No. 210 Delancey street.

Q. You are a barber too, are you not? A. No; I am a watch-maker.

Q. Don't you have a little shop or bench or something in a barber's store? A. No; I have a window.

Q. Did Officer Hussey come in there and see you one day?
A. No.

Q. Did you ever see Officer Hussey? A. No.

Q. Never saw him? A. Well, I know Hussey, but he was never by me.

Q. Were you ever arrested? A. No.

Q. Were your partners arrested? A. No.

Q. Was anyone arrested? A. I have got no partner.

Q. Was anyone arrested? A. Well, that was in another place; that was in 232 Delancey street; that was another barber shop

where I lived before; for that place there were two partners, playing cards, and then come Hussey and he arrested one partner.

Q. One partner was arrested? A. One partner.

Q. What for? A. Well, he says that he was gambling in cards.

Q. Hussey charged him with gambling and arrested him? A. Yes, sir.

Q. What happened then? A. Well, I can not speak English.

(The remainder of the witness' testimony was translated through Interpreter Pfeffer.)

A. Hussey came in and said, "Here is a gambling-house;"—in the barber shop; I told him, "This can not be a gambling-house because no one plays cards in here;" he said to the two barbers, "I just discovered what I wanted; I just got you where I want you;" I asked him, "What did you find;" there is no one in here;" Hussey said he would have a warrant issued against the man that was going to play cards; then he came away and said, "Have you got a few dollars?"

Q. Who did he say that too? A. Hussey said that to Abe Spielman; he said, "I have 15 cents that I made in a shave; I just shaved a man;" he said, "Then I can not do nothing for you; go and see my friend Birnbaum;" he has got a saloon; next day Birnbaum said he can settle it with Hussey, but for nothing less than \$50; the two men were very poor and can not give \$50, but if he would wait a few days he would try to get the money so as not to be locked up; he waited a couple of days, and he expected the money to be brought to Birnbaum; then when he saw the money was not to be paid he took out a warrant and arrested us.

Q. How long did he wait before he arrested the man? A. About two or three days.

Q. After the man was arrested, was any money demanded? A. That was said to a second man.

Q. Who was the second man? A. Mr. Heller.

Q. Who was the money demanded for? A. If he wouldn't get \$50 he would have a warrant issued against him for gambling and it would cost him over \$200.

Q. Did he pay any money in court to anybody to stop the proceedings? A. I told him not to give no money to no one, because you don't keep no gambling-house and you don't need to be afraid of anyone; you will be discharged; I didn't allow him to give any money.

Q. Was he discharged? A. The judge was mad at me because I told Hussey he was a liar in court.

Q. What judge was that? A. The judge said, "I believe my officers in preference to a 1,000 other witnesses."

Q. What judge was that? A. I don't know; three judges were in the court.

Q. That was at Special Sessions? A. Special Sessions; yes.

Q. What was the result of the trial? A. In Essex Market police court, Hussey testified that he found 15 cents on the table, and when he came to the court at General Sessions he forgot what he testified to in the Essex Market police court and said he found 25 cents on the table; the judge asked him, "How is it you testified in the Essex Market court one thing, and here another?" he answered, "I made a mistake; I found 15 cents on the table and 10 cents on the floor."

Q. Were these people discharged? A. No; they could not be discharged because the judge wouldn't believe what I said.

Q. Well, were they convicted? A. Yes; they were convicted.

Q. How much were they fined? A. Fifty dollars; it cost \$100 when they played a game called 66; you can not call this place a gambling-house, because I am a jewelry man and I have my window

Q. You didn't pay the money that was demanded and the people were convicted? A. Sure.

John W. Goodwin, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You were a sergeant of police, were you not? A. A roundsman, acting sergeant at the time.

Q. What are you now, private citizen? A. Yes, sir.

Q. How long ago is it since you were a roundsman? A. August 13, 1889.

Q. Were you broken? A. Yes, sir.

Q. How did you come to leave the police force? A. I was forced to resign; to sign my resignation.

Q. To what precinct were you attached? A. To the Fourth.

Q. That is here in Oak street? A. Yes.

Q. I wish you would give the committee just brief as possible an account of how you were forced to resign? A. On the 13th

of August, 1889, I was on sick leave, and I was ordered to report to the doctor at 1 o'clock that day; I got a buggy and took my wife with me; she was in a delicate condition at the time; I stopped at the doctor's, and he asked me if I felt able to report; I told him, "No, sir; that I would rather stay off a couple of more days;" I had a dog down in Pearl street, near the station-house; I told my wife that we might as well drive down there and get the dog; I was afraid we might lose it; I started down Pearl street and got the dog, and in turning around the corner of Oak and Pearl my buggy was upset; my wife was thrown on the street and I fell on top of her; she was seriously injured, and I thought the best place to bring her would be the station-house; the station-house that I was attached to in Pearl street; so I asked two or three men there to bring her around there, which they did; I shortly after went into the station-house and I wanted to attend to my wife, and this Sergeant Magan, he held me back and accused me of being drunk.

Q. He was the sergeant at the desk at the time? A. Yes, sir; he accused me of being drunk; I told him he was mistaken, and he ordered me locked up; so he called out several of the men and they refused to do it; by and by he told one of them that if he didn't lock me up he would put him out of the business; so I was locked up; shortly after this he came to the cell, and he said, "If you sign your resignation I will let you go;" I said, "No; I won't sign it; why should I sign it; what right have you to make me resign?" "Well," he said, "If you don't you will stay there until morning and I will send you to court;" the court was open and in session at that time; it was along in the afternoon; so, anyhow, I was brought out to the desk, and I did sign it; signed it "John W. Goodwin;" just as I was signing, "Under duress," I got the word "under" and "duress" partly down, when he snatched the paper from me.

Q. Was this in a book you were signing or a paper? A. No, sir; it was a regular form; a resignation form.

Q. Was it already filled out? A. Yes, sir; it was filled out; I signed my name and put "Under duress;" just as I had it down he snatched it away; I stood right at the corner of the desk; he grabbed the resignation from, and he let me go; shortly after that he erased that "Under duress" and wrote "Roundsmen" over it, which can be seen through that form; he erased the words "Under duress," or the portion of "duress" that I had written.

Q. And wrote the word "Roundsmān" in his own handwriting? A. Yes, sir; in the trial before Judge O'Brien.

Q. It has been several times in court as an exhibit? A. Yes, sir.

Q. That has been proven in court? A. Yes, sir.

Q. That there was an erasure there? A. Yes, sir.

Q. And that the word "Roundsmān" was written over it? A. Yes, sir.

Q. In his handwriting? A. Yes, sir.

Q. That is in the record of the case? A. Yes, sir.

Q. What next took place? A. Then I went home; my wife and I started home together; I had to get a carriage to bring her home in; she laid at the point of death for seven weeks after; then Detective Mullen came up to my house; I had my shield and fire-key; he came up there and forced my wife to give up that shield and fire-key; I happened to be out one day and he came in; he said I would be arrested; that Inspector Williams ordered him to go up there and ordered him to get a warrant for my arrest; that if that shield was not produced he would have me locked up and brought to court; so he forced my wife to give up the shield in my absence.

Q. You have stated that your wife was in a delicate condition of health; was your wife down in the station-house while you were locked up in the cell? A. Yes, sir.

Q. How long were you kept there all together? A. I think it must have been a half an hour or more may be.

Q. You took proceedings for your reinstatement, did you not? A. Yes, sir.

Q. There have been several trials or proceedings in court over your matter? A. Yes, sir.

Q. And the commissioners have been ordered to rehear your case? A. Yes, sir.

Q. Was there a trial of this case before the commissioners? A. Yes, sir; there has been by order of the court.

Q. What was the result of that trial? A. They refused to reinstate me.

Q. In what position is the case now? A. It is now pending.

Q. Why did you sign that paper? A. To get home with my wife, who I thought was going to die.

Q. In the station-house? A. Yes, sir.

Q. You have been examined about this case in headquarters; I want to ask you if there had not been some difficulty between

yourself and Sergeant Magan before that? A. Well, there may have been.

Q. Now, you are under oath here and you are bound to tell the truth; I will ask you this question and put you on your oath to deny it if you can; is it not a fact that it was a practice in the Oak street station-house for certain police officials to take dissolute women in there? A. I have seen women go in there.

Q. Dissolute women? A. Well, yes, sir; they were not any too good, I guess; of course, I don't know anything about —

Q. You have seen them go in there not under arrest? A. I have seen them go in there.

Q. What I mean is, you have seen them go in while not under arrest? A. Yes, sir.

Q. Isn't it a fact that you and Sergeant Magan had a quarrel over the fact that these women were being used by certain police officials in the station-house, and was not that the cause of Sergeant Magan compelling you to sign that resignation? A. There was only one particular man, and that was Magan; yes, sir; he was the only one that I knew anything at all about.

Q. That indulged in those practices? A. Yes, sir

Q. And you protested against that, did you? A. I just merely said it was not right; it was not my business; he was my superior officer.

Q. You said it was not right that the station-house should be used for such a purpose? A. Yes, sir.

Q. Or such women brought in there? A. Yes, sir; Magan is the only one that I ever see do anything like that in the Oak street station or any other station-house.

Mr. Goff — The courts compelled the commissioners to go back and hear this case. The commissioners refused to hear him on the ground that his resignation was final when he tried to show that it was a forced resignation under duress.

Q. Is Magan on the force yet? A. Yes, sir; he is in the Sixth precinct; Captain Carpenter is on the retired list.

Q. The records show that it was proven at police headquarters on the trial of this case that Magan forged the word "Roundsmen?" A. Yes, sir; he said so himself, right up to the central office.

Q. Has there ever, so far as you know, been a charge preferred against Magan for that perjury? A. Not that I know.

Q. You have never been called as a witness? A. No, sir.

Q. You don't know of any proceedings having been had against him in that matter? A. No, sir.

Mr. Goff.—Mr. Chairman, I do not wish to enter in upon any lengthy examination now. It is after 4 o'clock. There has been a great amount of testimony taken to-day, and I would request that before you announce adjournment that you notify the witnesses on subpoena to attend to-morrow morning.

Chairman O'Connor.—All witnesses that are now under subpoena are to be here to-morrow morning at half-past 10 o'clock without further notice. This committee stands adjourned until half-past 10 o'clock to-morrow morning.

Proceedings of the forty-third session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior court-rooms, part III, in the city of New York, Tuesday, October 9, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Cuthbert W. Pound and George W. Robertson; John W. Goff, Frank Moss, for the committee.

Chairman Lexow.—Before proceeding with the examination of the witnesses, the chair desires to call the attention of the committee to the following communications, and the stenographer will take it down upon the minutes of these proceedings. The letter is addressed to me as chairman of the committee, and reads.

“In compliance with the accompanying resolution of the honorable board of police commissioners of this city, I would respectfully ask what procedure will be necessary for me to take to obtain such information as may have been imparted to your committee, concerning alleged misconduct on the part of Detectives Dalton and Morris of this force, and oblige, yours very respectfully, Benjamin Murphy, Chief of Police of Jersey City.”

The resolution reads: “Resolved, That in consequence of charges being brought before the Lexow committee in New York city against Detectives Dalton and Morris, the same be referred to the chief for investigation, and report to this board.”

Senator Pound.—Mr. Chairman, I understand that this testimony is that of this woman that was called on the stand at our last session.

Chairman Lexow—And of Applegate.

Senator Pound.—And of Applegate. I move that the stenographer be authorized to furnish a transcript of his minutes to the Jersey City authorities at their expense.

Senator Bradley.—I second the motion.

Chairman Lexow (the chairman put the motion).—That is carried unanimously.

James W. Ledwith, recalled as a witness on behalf of the State, testified as follows:

Direct examination by Mr. Goff:

Q. You have been examined here before? A. Yes, sir.

Q. I would like you to define your official station in the board of charities and commissions here? A. Charities and corrections.

Q. Yes; charities and correction? A. My station is "Warden of district prisons;" I have charge of the second, third, fourth, fifth and sixth district prison; situated, the second at Jefferson Market, the third at Essex Market, between Essex place and Broome street; the fourth at Fifty-seventh street, near Lexington avenue; and the fifth at One Hundred and Fifty-eighth street and North Third avenue.

Q. Have you the power of appointment and removal? A. I have not.

Q. Who has? A. The commissioners of charities and corrections.

Q. They have the absolute power? They have the absolute power

Q. Have you supervising power over the persons under you? A. Yes, sir; I am held for the good conduct and discipline and safety of the prisoners.

Q. When you were here the other evening, if you remember that said to you by testimony before this committee that what is vulgarly called the "growler" is worked in the prisons after 9 o'clock at night, and you expressed surprise at that; do you remember? A. I do, sir.

Q. After you left here, did you act upon the suggestion? A. I did; immediately.

Q. What did you do? A. That night after the night watch went on; personally I went to the prison and investigated both men who were on night duty; I labored under the idea that neither of the men drank a sup of liquor for over a year; they

both denied the charges made; I then visited several liquor stores, and I found in one store that they told me that there was a pint of beer nightly sent for from Jefferson Market prison; the next day when I taxed that keeper of it, he acknowledged it and said he had it with his lunch; I immediately wrote out a letter to the board and asked for his dismissal; the board immediately acted upon it, and discharged him from the department; he is now dismissed.

Q Who is dismissed? A. The keeper.

Q. What is his name? A. Patrick O'Toole.

Q. Did your investigations continue any further on the line of the suggestions of my questions? A. Yes, sir; I investigated, and they claimed there was no counsel ever allowed in that prison after night; I would say this; that I have the power to allow counsel to visit the jails, and anyone in the night, in my own presence; because there is no law against it; you, as counsel, know that.

By Chairman Lexow:

Q. Do you exercise that power? A. I do once in a while in a case of great necessity; I have lawyers come to my house, in one or two instances, who ask me to let them go in, when it was necessary to go in; I have power to admit a counsel or officer, which I did, in my own person, on any day of the hour or night.

By Mr. Goff:

Q. The point of my inquiry was directed to abuses, Mr. Ledwith, that while it is perfectly true you have the right to admit the counsel of a prisoner, yet the abuses that we complain of, as was suggested by my questions, was that certain keepers were in league with certain lawyers, or that they would send out after certain lawyers after closing hours of the prison, and get them in surreptitiously in order to procure employment for them from prisoners; you understand, that was the line of my inquiry? A I understand that.

Q. Did you commence any inquiries in that line? A. I did; the only inquiry I could cause was among the employes; I knew they would not tell upon themselves; the great trouble is there are some lawyers in New York that will take advantages of that kind, and prey upon the man's stupidity.

Q. It was further contained in my question by suggestion, or inquiry directly, that a division was made by these lawyers with the keepers? A. That is a natural inference; I have no actual knowledge of that; but that is the natural inference.

Q. That follows; have there been charges preferred against any of your keepers growing out of your inquiries, other than the one you dismissed? A. No, sir; that is the only one I have obtained proof of.

Q. Is there not another keeper under charges before the commissioners? A. No, sir; my attention was called to one keeper, and I went and tried to get evidence, but I could not; the great trouble is if your client is included with the lawyer he won't make a charge; they will refuse point blank to interfere in the case; the commissioners are just as anxious as I am, or anyone else, to punish those men; but the trouble is to get the truth; the commissioners are only too anxious to punish the men violating the rules.

By Chairman Lexow:

Q. Don't you think it would have been a better way to get proof by watching these man than to ask them questions that would put them on their guard? A. You would have had to stay up night and day.

Q. Couldn't you take them one night and watch the prison? A. I have; I have been outside of the prisons night after night; of course, not every night.

Q. I mean, acting upon the suggestion of Mr. Goff's questions to you the other day, you went directly to one of the prisons and asked these men if they had committed a felony? A. I did not ask them at all about the lawyers, not a word that would put them on guard; I knew the other thing had to be acted upon right there and then.

Q. Did you imagine these men would answer that they committed a misdemeanor? A. I first charged it and then proved it; I did prove it.

Q. That will do. Mr. Ledwith.

By Senator Pound:

Q. Who composed the board of charities and corrections? A. Henry H. Porter, Charles Fitzsimmons and Edward C. Sheehy.

Q. How are they appointed? A. By the mayor.

By Mr. Goff:

Q. And the term? A. Six years each.

Q. They have control of all the prisons and correctional and charitable institutions under the control of the city of New York? A. Yes.

By Chairman Lexow:

Q. Has any effort ever been made by you to ascertain the truth of the criticisms passed upon you, except the one you have complained of? A. I have visited different places and people in the neighborhood, and asked all the different people I could.

Q. That evening? A. That evening and since; certainly there is very little done now, because they are all on guard, and know I am extra alert.

Augustin Forget, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation? A. Agent of the French line, steamship line.

Q. And how long have you filled that position? A. Six years.

Q. Six years? A. Six years.

Q. Does that represent the time that you have been in the city of New York? A. Yes, sir.

Q. And so far as that company of steamships is concerned, you manage all of its affairs in this country? A. I do, sir.

Q. Will you tell us the location of the piers; the piers where your ships stop? A. Pier 42, new number, North river.

Q. At the foot of what street? A. Morton street.

Q. Necessarily you have had something to do with the police? A. Yes, sir.

Q. In relation to looking after the dock used by the steamship? A. Yes, sir.

Q. Do you know the captains of the police who are assigned to duty there, the various captains? A. Yes; I knew, except the last one; I do not know the last one; I knew the first, which was Captain Smith, and then Captain Schmittberger, and the present one, I do not know his name; I never have seen him.

Q. The present one—? A. I do not know.

L.

Q Now to your knowledge has your company had to pay to the police for special services rendered to your company? A. No; I gave the right to the superintendent of the line, Mr. West, whenever he thought necessary a tribute to the policeman for looking after the interests of the company and the interests of the passengers.

By Chairman Lexow:

Q. To compensate, you mean? A. As a tribute; not to compensate.

By Mr. Goff:

Q. Are you aware that Mr. West did make such contribution or tribute? A. Yes, sir.

Q. Are you aware of the amount? A. No; I left it to him; but I believe it was about \$10 a week.

Q. Do you know of any other sum than \$10 a week having been paid to the police? A. No; I don't remember.

Q. I beg pardon? A. I don't remember any other sum.

By Senator Pound:

Q. What do you know about the \$10 a week having been paid? A. Because Mr. West told me so, that he paid it out of the funds; I left it in his care.

Q. You have only the information from West? A. Yes.

Q. You had nothing to do with it yourself? A. No, sir.

By Chairman Lexow:

Q. It was charged up on your account, was it? A. On account of the French line; yes, sir.

Q. And you paid the money to Mr. West? A. I gave him a certain amount he can dispose of; yes.

By Mr. Goff:

Q. Do you know of any sum in gross being paid for police protection or service? A. No, sir; I do not remember any other.

Q. I hand you a book, which has come from your line, and ask if you can identify that book, and tell us what it is? A. Yes, sir.

Q. You can give it to us in the English language, so the record will show it? A. This is a copy of the accounts that I sent to the French firm in Paris the other week.

Q. The other week? A. Yes, sir.

Q. These are letter-press copies, are they? A. Yes; letter-press copies.

Q. You send accounts to the company at Paris every week? A. Every week; yes, sir.

Q. And this copy is made under your direction? A. Yes, sir.

Q. So that all disbursements made by you or under your direction are contained in these accounts; isn't that the case? A. Yes, sir.

Q. And this is the regular copy kept by you here? A. Yes, sir; that is it.

Q. Of those accounts? A. Yes, sir.

Q. This book is labeled "From 11th November, 1891, till 31st of January, 1892;" is that correct? A. That is right; that is quite right; yes, sir.

Q. From the 11th of November, 1891, to the 31st of January, 1892? A. Yes.

Q. I call your attention to page 417 and to the date 31st of December; that would be in the year 1891, would it not? A. Yes, sir.

Q. Thirty-first of December, 1891? A. Yes, sir.

Q. I call your attention to the fourth item of \$500, written in the French language, and ask you to read that, and give us the English translation of it? A. Shall I read it in French first?

Q. Read it in French first to satisfy yourself, please, and then give us the English translation? (Witness reads the entry in French.)

Q. And the amount? A. Five hundred dollars.

Q. Now, give us the French translation of that? A. Subscription and allocation, presents, service on wharf, etc., for the year 1891, paid to whom is due by Mr. A. Forget, agent general, \$500.

A Reporter.—That is not a good translation.

The Witness.—I am not a very good scholar.

By Mr. Goff:

Q. Give it to us again? A. "Subscription and allocations"—

Q. Well, we will stop there, Mr. Forget, for instance; would you say grant or allowance? A. No; it may be presents—a present—a Christmas present.

Q. But it includes the same sum? A. It includes everything.

Q. The same as donation? A. No; not donation, "allocation."

Q. Please give us the translation again loudly, so these gentlemen will hear you? A. "For special services on wharf, etc., for the year 1890-91, paid to whom is due."

Q. "Paid to whom is due" by Mr. Forget? A. By Mr. Forget, \$500.

By Chairman Lexow:

Q. "Paid to whom it may be due?" A. "To whom it may be due;" yes, sir.

By Mr Goff:

Q. Is not "equeere du droit"—wouldn't that be "to the right party?" A. No; this is simply an idiom, whether I was there; you can not translate it in English.

Q. That is an idiomatic phrase? A. That is it.

By Chairman Lexow:

Q. To whosoever is entitled to it; that is what it means? A. That is what it means.

By Mr Goff:

Q. Now, can you tell us to whom that \$500 was paid? A. To several people; they are Christmas presents and New Years.

Q. Name us one person to whom that was paid? A. I do not remember a single one.

Q. You remember the item of \$500? A. No; I sometimes pay, \$500 or \$1,000, but I can not remember whom I paid it to.

Q. Here is a special item; through whose hands was that money dispensed? A. I don't know.

By Chairman Lexow:

Q. The proper translation is, "Subscriptions and donations;" that is the proper translation; donations made during the year 1891.

By Senator Pound:

Q. Is that your balance sheet for the year? A. No; that is the daily copies of my cash-book.

Q. Daily copies? A. Daily copies.

By Chairman Lexow:

Q. Do you mean to say this item of \$500 includes various subscriptions and donations made to whomsoever was entitled to it, during the year 1891? A. Yes

Q. That it is a lump sum covering these various amounts? A. It is so.

Q. That is the fact? A. That is the fact.

By Mr. Goff:

Q. That does not refer to the \$10 a week that you have testified about? A. No, sir

Q. That is exclusive? A. Exclusive.

Q. Now, can you not give the committee an idea of the persons to whom that \$500 was paid? A. I do not remember, Mr. Goff.

By Chairman Lexow:

Q. Have you any information? A. No, sir

Q. Do you mean to say that you did make a charge against your company, for this against your company of \$500, without any explanation of the items? A. The company was my company; my company must have been satisfied since three years it is gone.

Q. You charged or credited yourself with the payment of those amounts; now, inasmuch as you credited yourself with the payment of those accounts, you must have know to whom they were paid? A. I do not remember; these are not my accounts; these are the French line's account; I am simply the agent.

Q. And that statement upon the face of it shows you credited yourself as a person with the payment of these subscriptions and donations? A. That is it; you are right

Q. Inasmuch as you give yourself that credit, you must know through what channels that money went? A. No; I do not remember.

By Mr. Goff:

Q. But you say it had been paid every year, or several years? A. No; not this amount; some amounts.

Q. Some amounts had been paid? A. Yes

Q. Can not you give us some idea of the persons who received this money that was paid for several years? A. I wish I could; but I don't remember.

Q. Have you a memorandum of the pass or character of the presents? A. No; I do not remember.

Q. Suppose we talk about the postman that delivered letters there? A. He gets some

Q. You think he got some of this \$500? A. I don't remember; he may.

Q. Anyone else besides the postmen? A. Well, the janitor may get some; and all the telegraph boys, and all these.

Q. Who had the disbursing of this money; did you give it out to these people yourself? A. The cashier gave it.

Q. What is the cashier's name? A. Every time it was Meissner.

Q. Your son? A. No; Meissner.

Q. Is Mr. Meissner there now? A. No; he ran away; he robbed me of \$7,000.

Q. Do you mean to say that your memory fails you absolutely as to the application of this \$500? A. Yes, sir; absolutely.

Q. Well, you say the postman got some of it; what had the postman to do with the surveillance of the dock? A. That does not say for the dock alone.

Q. That says for the wharf? A. That is what the chairman says now; it is a donation.

Q. It says for the special watching for the dock in 1891, payable to the right parties, or to the person entitled? A. Mr. Goff, there is "etc." too after these; look on the book.

Q. That "etc." says —? A. It says "etc."

Q. It says "Wharf, etc.," but that means surveillance, or watching of the wharf? A. No.

Q. You can not deny but that is the translation? A. It may be the translation, but that is not what it means.

Q. In whose handwriting is this? A. The man is dead.

Q. What is his name? A. His name was De Martray.

Q. But De Martray was in your employ? A. Yes, sir.

Q. And for whom did he get this item? A. From the cashier.

Q. And from whom did the cashier get it? A. He got the authorization from me.

Q. Very well, the authorization having gone from you, to the person who made the inquiry, it must have gone there for the special watching of this dock; those are the words used? A. No; it does not follow.

Q. Do you mean to say that your cashier, or this De Martray your bookkeeper, would use those words without some authority? A. It may be I gave him authority myself.

Q. That is very probable, isn't it? A. Yes.

Q. You having given those words yourself, in what consists the special watching of the dock? A. I do not remember — the special watching of a dock.

Q. That is what it says here? A. A man being there, and looking after the passengers, and that there is no robbery committed on the dock.

Q. Was it to a man in your employ? A. What man?

Q. A man that watched to see there was no robbery? A. No; it was a regular policeman.

Q. But you say the \$500 was exclusive of the \$10 a week? A. I do not say the policeman there at all.

Q. You do not wish to testify to anything that would place you at a disadvantage with the police; isn't that a fact? A. I don't say that.

Q. Isn't it? A. I don't think so, sir.

Q. Will you swear it is not so? A. I haven't to swear about these things.

Q. Don't you know, and can you deny it, that you wish to remain on friendly terms with the police? A. I have always been on friendly terms.

Q. And you wish to remain on friendly terms? A. I wish to remain on friendly terms with every one.

Q. Don't you wish to remain on friendly terms with the police? A. Yes; certainly.

Q. And you do not wish to break off that friendly relationship by telling on them? A. I wish to tell the truth.

Q. Do you wish to break of those friendly relations with the police? A. I don't care whether I am on friendly terms or not.

Q. Don't you know the police may interfere with your business and cause you trouble? A. I don't think so.

Q. If you don't think so; why have you paid them \$10 a week? A. Because the men sometimes come over time.

Q. Then he was in your employ? A. No; I do not think so.

Q. Then what did you pay him for? A. Because this man was busy sometimes in the evening.

Q. Didn't you pay him as a policeman? A. No; not as a policeman; no.

Q. What did you pay him for? A. Because this man came overtime.

Q. Hadn't you enough employes of your own? A. No.

Q Why didn't you employ somebody? A. You know very well a policeman in uniform for thieves is a great deal better.

Q. Precisely; you paid him because he was a policeman in uniform? A. Yes; sometimes in uniform and sometimes not.

Q. And if he had not been in uniform, you would not have paid? A. I don't know about this.

Q. Now, let me call your attention to the case of a policeman on your dock, who understood and could speak the English language; do you remember that policeman? A. Yes, sir.

Q. Do you remember that policeman was removed? A. Yes

Q. Was there trouble about his removal? A. Not that I know of.

Q. Didn't you protest against his removal? A. No, sir.

Q. Was there anything whatever said about his removal? A. No sir; not to me.

Q. Do you say to anyone? A. No, sir.

Q. Do you know if anyone connected with your company made a request for his restoration to the dock? A. Yes; I think so; Mr. West did.

Q. And on what grounds? A. Because he spoke French.

Q. Did you hear on what grounds he was removed? A. No.

Q. Never heard on what grounds he was removed? A. No.

Q. You are absolutely certain about that? A. No.

Q. I ask you if you are absolutely certain about that? A. I don't remember, sir.

Q. I wish any of my question you do not thoroughly understand; I wish you would tell me so, and I will try to make myself intelligible to you, because there are some words in our language, that you may not thoroughly understand, and if that is the case, I wish you would tell me; will you swear you never heard what was the cause of that officer's removal? A. Well, I heard it from Mr. West; but I did not —

Q. That is the point; you did hear? A. Well, he was removed; yes, sir

Q. Did you hear the cause why he was removed? A. No.

Q. Didn't Mr. West tell you? A. Mr. West told me he was removed because the captain did not like him; that the captain wanted to change him; that is all.

Q. Well, we will see; wasn't there something said at that time, that he was removed, because he refused to divide the money that he received from the company? A. This I do not remember.

Q. Will you swear—? A. Yes; I swear I do not remember this.

Q. Wait a while; you are a little too ready with that Mr. Forget; will you swear that such language was not used, or the substance of language that the reason why the officer was removed, was that he refused to divide with the wardman, or the captain, the money that he received from your company; now, think, please, before you answer that question? A. I don't remember.

Q. Will you swear; that is not my question? A. I swear.

Q. That is not my question? A. I don't remember.

Q. I am not asking you that; I am not asking you, sir, as to your memory; that is a different thing; will you swear that such language was not used to you, and that you were not told that fact—the reason of the officer's removal—was that he would not divide the money, he received from the company; were you told that fact? A. By whom?

Q. By any person? A. Well, I was told by one person.

Q. Well, now we have it; you were told? A. But that was you, Mr. Goff.

Q. Were you ever told it by any person, but by me? A. No.

Chairman Lexow.—You want to be careful, Mr. Forget. You understand anybody subpoenaed before this committee, and taking the oath makes himself amenable to the law in case he misrepresents the facts or misstates the facts? A. I do not misstate the facts.

By Mr. Goff:

Q. If you don't remember, say so?

Senator Pound.—And don't quibble with counsel.

The Witness.—No; I won't try to quibble.

By Mr. Goff:

Q. I had the pleasure of a short conversation with you? A. Yes, Mr. Goff.

Q. And I have not referred in my question in any way, directly or indirectly, to that conversation? A. Yes.

Q. I would not consider it professional conduct to do so, and I have not done so; and so when I have referred to anything in relation to this or any other transaction, I have not referred to anything whatever that passed between yourself in the

presence of counsel, and myself, you understand, please. I put my question again. Before you saw me, will you swear that you did not hear that the reason why that officer was discharged was that he refused to divide with the wardman or with the captain? A. Well, I positively swear I do not remember anyone telling me so.

Q. You do not remember? A. No; I do not.

Q. Have you had any consultation with any person that told you to say, "I do not remember?" A. No, sir; no.

Q. You are a gentleman of culture; did you ever read the famous trial of Queen Caroline? A. No.

Q. Where the Italian witness answered every question — the Italian valet — that "I do not remember;" did you ever hear of that? A. No.

Q. Did you ever hear that was a safe answer for a witness to give when he was puzzled? A. No.

Q. Now, do you remember that officer's name? A. Yes; I believe so.

Q. What was his name? A. De Gann, I believe.

Mr. Goff, to a messenger.— Step out and bring Officer De Gann who is in the court-room over there in the clerk's office. I want to have that officer identified.

(Senator Pound takes the chair.)

(Officer De Gann comes in and stands up before the witness.)

Q. Is that the officer? A. Yes; that is the officer.

Q. That is the officer? A. Yes.

Q. And that is the officer that spoke French? A. Yes.

Q. And was very useful to the company? A. Yes.

Q. And a good officer? A. A very good officer.

Q. And he was removed against your protest; wasn't he? A. No; I did not protest, sir.

Q. Well, against your objection? A. Not against mine; I did not make any with that; I did not protest against that.

Q. Don't you know someone representing you did? A. It is mostly likely.

Q. Justly so too, and properly so, if he was useful to the company? A. I don't know; he was very useful.

Q. He was a good officer? A. He was a very good officer.

Q. Don't you recollect in reference to that officer that he was removed, because he refused — A. Now, I don't remember it.

Senator Pound.—Wait until you have heard the question, witness.

Q Didn't you hear from some person at about that time that the reason why Officer De Gann was removed was because he refused to divide the money he received with some of his superior officers? A. I certainly don't remember this part.

Q. What? A. I don't remember this part.

Q. Will you swear you did not hear so? A. No; I won't swear it.

Q. Then you may have been told it, and you have forgotten it; is that the situation? A. That is it; I may.

Q. Now, how is your memory; pretty good? A. Sometimes.

Q. You are a man of large affairs, and have to carry a great many things, haven't you? A. Yes, sir.

Q. And it is the situation now that you have been told that and have forgotten it? A. It may.

Q. Now, after the removal of Officer DeGann, from duty there, do you remember when Captain Schmittberger came in command of the steamboat squad? A. I do not, sir.

Q. Well, you remember about the time? A. No.

Q. Do you remember that Captain Schmittberger was in command of the steamboat squad? A. Yes; I do.

Q. Do you remember the year he was in command of the steamboat squad? A. In 1894.

Q. Therefore, he came there in some part of 1891, didn't he? A. Yes, sir.

Q. Do you remember that it was after Captain Schmittberger came there, that Officer De Gann was removed? A. Yes, sir.

Q. Do you remember the captain's wardman visiting the office of the company? A. No, sir.

Q. Wardman Glennon; did you ever hear that name? A. Yes.

Q. Did you ever see him? A. I am not sure, but, I believe, if he is a tall man, about six feet high, that he may be the man; but I am not sure.

Q. You saw a wardman there anyway? A. Yes, sir.

Q. That was a representative of the captain? A. Yes, sir.

Q. What was the business of the wardman there? A. I don't remember.

Q. Does your memory fail you again? A. I beg your pardon.

Q. Does your memory fail you again? A. Yes, sir.

Q. Fails you again? A. Yes, sir.

Q. And your memory fails you in regard to this \$500 item too; does it? A. Yes.

Q. You mean to say as a trusted officer of your company here, in a foreign country, that you have put down an item of \$500, and credited yourself with that \$500, without being able to tell the officers of your company what that \$500 was applied for; is that a fact? **A.** As I told you —

Q. No; answer my question, please? **A.** Will you kindly put your question again?

Q. Certainly; is it not a fact that you, the trusted agent of this steamship company, in a foreign country, have appropriated or used for some purpose \$500, and you have credited yourself with that \$500, and you are not able to answer the officers of that company or the directors of that company, the particulars of what that \$500 was applied for?

Mr. Jones.—If the committee please —

Mr. Goff.—I object to Mr. Jones or anybody else addressing this committee.

Senator Pound.—Yes; the examination of the witness will continue.

Mr. Goff.—This gentleman is the private counsel of the witness, and I object to his being heard here at all.

Senator Pound.—Your objection is sustained; a witness can not be represented by counsel.

Mr. Goff.—I make this offer here that if Mr. Jones desires to say anything to this committee, that the uniform rule relating to persons addressing the committee shall be enforced, and Mr. Jones can take the witness stand, and I shall be delighted to have him there.

Senator Pound.—That is the rule the committee has followed from the start, Mr. Jones, and the witness is on the stand.

Mr. Jones.—The committee will not allow me to say a word one way or the other.

Senator Pound.—No.

Mr. Jones.—Does the committee take the statement of the counsel on the other side as to my character. It is stated here I am the private counsel of the witness. I deny that statement.

Senator Pound.—It makes no difference what you are or what you represent. The examination of this witness is the only thing before the committee, and our uniform rule is not to have outsiders appear on behalf of witnesses unless they take the stand as witnesses and are sworn, and submit to cross-examination.

Mr. Jones.—As the committee pleases. I do not appear in any other capacity.

Chairman Pound.—Then you will be kind enough to allow Mr. Goff to go on.

Mr. Jones.—Will the committee allow me to say in what capacity I appear?

Chairman Pound.—No, sir.

Q. (Question repeated.) Is it a fact that you, the trusted agent of this steamship company in a foreign country, have appropriated, or used for some purpose, \$500; and you have credited yourself with that \$500; and you are not able to answer the officers of that company, or the directors of that company, the particulars of what that \$500 was applied to? A. The directors or administrators of our company did not ask me to give them the details of that \$500; there is something in your question that seems to me illogical; you make my directors of my company; they are not here.

Chairman Pound.—I think that is a fair criticism, and they are not calling him to account here.

By Mr. Goff:

Q. I understand your observation very well, but a higher power than your directors ask you the question now; the State of New York ask you the question, and it has a right to ask you the question, Mr. Forget? A. I do not doubt it, sir.

Q. And when I asked you about the directors of your company, I did not imply anything whatever improper as to the relations between yourself and the directors, because you are a trusted agent here, and deservedly so, properly so; my question was simply, if your company asked that, whether you could answer us? A. I don't remember.

Q. So that if the directors of your company should ask you the particulars of that item of \$500, would you, or would you not, be able to give them satisfactory replies or answers? A. I would not at this moment.

Q. You would not at this moment? A. No.

Q. Well, are you subject to any sudden fits of lapse of memory? A. Not yet; no.

Q. Have you ever thought of that item since? A. No; never.

Q. Has the reading of it brought it to your attention? A. Yes, sir; I called for my books when I came back.

Q. Had you forgotten that item? A. Entirely.

Q. Now, having seen the entry in the books, it refreshed your memory? A. So far as the book is concerned, yes.

Q. It refreshes your memory; now, having spoken about it now considerably on the witness stand, is not the subject matter of this \$500 refreshed in your memory as to the items or particular presents or bribes to which that \$500 was applied? A. No, sir; not in the least.

Q. Do you remember in what shape the \$500 was paid out; whether in money, or by check? A. I do not remember.

Q. Do you remember when the matter was first called to your attention? A. When I came back.

Q. Do you remember when the matter of paying out this \$500 at the time was first called to your attention? A. No, sir; I do not remember.

Q. Do you remember the person that first told you that \$500 would be necessary? A. No, sir.

Q. How did you come to fix upon the sum of \$500? A. Well, because I might have given a \$1,000.

Q. Then why did you not give \$1,000? A. Well, because there was no need for it.

Q. Will you tell us the need of \$500, instead of \$1,000? A. I don't remember.

Q. Why didn't you give a \$100? A. Because it did not suit me.

Q. Wasn't it enough? A. I don't know.

Q. Why didn't it suit you? A. Because it suited me to give \$500.

Q. Why did it suit you to give the particular sum of \$500? A. Because it was \$500.

Q. Why did you select \$500, as the sum you would give? A. I might have selected \$100, or a \$1,000.

Q. Why didn't you select \$100? A. Because I did not choose to do so.

Q. Was your selection of \$500 merely arbitrary on your part? A. Certainly.

Q. And you struck on that sum by accident? A. Most likely so.

Q. Is it a fact? A. I don't remember; I remember I took \$500 and spent it.

Q. How did you take it; tell us the shape in which you took it? A. I don't remember.

Q. When you say you spent it, how did you spent it? A. I gave it away.

Q. To whom? A. I don't remember; to several people.

Q. Do you think that is a proper answer for a man in a trust capacity, that you took \$500 of the money of your company and gave it away, and not to be able to tell who you gave it to? A. I don't remember.

Q. You think that is a proper answer? A. I don't know.

Q. Have you any ideas upon it? A. No.

Q. That \$500 did not belong to you? A. No.

Q. Do you think it proper that a man in your position should take \$500 belonging to his employer, or principal, and dispose of it without being able to tell how he disposed of it? A. Mr. Goff, I tell you as near as I can, I spent it several years ago to the French line, and the French line were satisfied with my spending for it, and got my reasons and vouchers for it.

Q. I do not question your act in the matter at all; there is no question here about that, as between yourself and your directors, if the French line has been in the habit of paying \$500 every year; isn't that the fact? A. No; not \$500 exactly; sometimes more, and sometimes less.

Q. And always for watching the wharf, etc.? A. No; for several reasons.

Q. You say you had vouchers? A. Yes, sir.

Q. Is this a voucher? A. I call it a voucher.

Q. That is your voucher? A. Yes.

Q. Did you get any vouchers for the expenditures of money made by you? A. No.

Q. Did you ever ask for any? A. No.

Q. Will you swear that any vouchers were ever asked for by any person receiving this \$500? A. I swear it; I swear that positively.

Chairman Pound.—All you state is under oath, witness.

Q. That no receipt was ever asked for? A. Never.

Q. Was there ever anything said in your company about that, that the person who received this \$500, should give it? A. I do not remember; no.

Q. Your memory fails you again? A. Just so.

Q. Do you remember when the wardman went there in relation to this \$500? A. I don't say of \$500; I don't remember this at all.

Q. Do you remember when he went there in relation to this \$500? A. I don't remember he came for \$500 at all.

Q. What did he come for? A. I don't remember.

Q. Made you a social call? A. No; most likely on business.

Q. What business? A. For the policemen on the wharf.

Q. To the policemen on the wharf? A. It may be so.

Q. You are not sure about that? A. No.

Q. Did you ever talk with the wardman? A. Yes, sir; I must have talked with him.

Q. You don't remember? A. No; my memory fails me.

Mr. Goff.—Now we will excuse you for the present. Do not leave the court-room, please. We may call you again and ask you a few questions. Officer De Gann.

Louis De Gann, called as a witness on behalf of the State, being duly sworn, testified as follows;

Direct examination by Mr. Goff:

Mr. Goff.—I would like, Mr. Chairman, that you would apprise the officer of the rule of law, and also of the resolution of the Senate committee in relation of the testimony that may be given by any witness before this committee.

Chairman Pound.—Witness, you cannot be prosecuted by reason of any testimony that you may give before this committee concerning the giving or receiving a bribe by you; that is to say, you can not be prosecuted for bribery; but on the contrary your giving testimony before this committee would be a defense against any charge that might be brought on that ground.

Mr. Goff.—And also of the resolution of the committee, Mr. Senator, that it is against public policy, and the interest of the public that any prosecution should be had.

Chairman Pound.—Yes, that is true. In other words you may speak freely without fear of the consequence; you are protected by the laws of the State, by the policy adopted by the authorities in regard to this line of testimony here.

Q. Now officer, how long have you been on the force? A. I was on 21 years ago yesterday.

Q. Twenty-one years ago? A. Yes, sir; yesterday.

Q. And you remain a high private yet? A. Yes, sir.

Q. Have you ever applied for promotion? A. Never.

Q. You are a man of family, I presume? **A.** Yes, sir; I am married; I have no children, but my wife.

Q. You are entitled to a pension now if you retire, are you not? **A.** Yes, sir.

Q. You are on duty on the French line pier for quite awhile, wasn't you? **A.** I was there 11 years, within a few months; if I had remained there three months, I would have been there 11 years.

Q. You understand and speak the French language? **A.** Some, enough to get along.

Q. During those 11 years time from your knowledge of the French language, you were enabled to be of great service to the company as a police officer? **A.** They considered it so.

Q. That is you talking to the passengers and arranging with them, and you were very agreeable to give whatever service and aid you could to the company? **A.** I tried to do so; yes, sir.

Q. You served overtime and went there after your hours of duty? **A.** Oh, yes; a great deal.

Q. And in the place of early sailings you went there before you were called by your hours of duty? **A.** Yes, sir.

Q. That is in the early hours of the morning? **A.** Yes, sir; and a great many nights all night.

Q. Now, for that very considerable service that you rendered the company, did you receive a small compensation from the company? **A.** Yes, sir.

Q. And what was the amount of the compensation you received, officer? **A.** Well, I was assigned to that pier on April 9, 1880, and after I had been there about a month I think Mr. West came on the dock, and as I spoke French, and that he considered that I was a very valuable man, and that I was willing to come there nights and so on, as I did some two or three times, that the company would give me \$5 a week; then after I was there some little time, I don't know—it may be a year—they got new ships, and by changing their sailings, and there being new ships, and making faster time, they would arrive on Sunday mornings; at that time I would be on duty one Sunday of three; Mr. West called me in the office and asked me if on my Sundays off I would come down to the dock and assist there, that they would double the compensation; and I told them I would.

Q. That would make it \$10? A. Ten dollars a week, yes, sir.

Q. And you continued to do that work for the company? A. Yes, sir.

Q. And received that compensation? A. Yes, sir.

Q. Under what captain did you serve? A. Under Captain Gastlin and Acting Captain Taylor, and Captain Schmittberger.

Q. When did Captain Schmittberger take command of the steamboat squad? A. I think it was in November, 1890.

Q. November, 1890; and how long after Captain Schmittberger had taken command of the squad were you removed from that post? A. Well, it was on the 8th of January following his appointment as captain.

Q. That would be the 8th of January, 1891? A. Yes, sir; I think that was the day or the year; I am not positive of the day, but I think that is the year; I think it was three years ago on the 8th of last January.

Q. You appear to be here as a police officer with a long record of service, and your services testified to by this company—by the officers; you are here under oath, and we are all of the opinion that you are a man that regards the obligation of your oath upon your conscience; and I ask you if you will tell this committee why you were removed from that post? A. Well, I think it was in December after Captain Schmittberger was appointed captain his wardman, Vail, came to me and said that Captain Schmittberger wanted what I got at the line.

Q. What you got from the line? A. From the line extra; and I told him I did not think that was fair; "well, he said he wants it and you will have to give it up; and I said, "I won't give it up, and won't be a slave or serf for no man;" I said, Captain Schmittberger can not kill me, but I am willing to go out of the business;" he said, "You can do just as you please;" and I told him I would not do it; and he met me the following day and asked me again, and I told him I would not give it up; I was giving him half and would not give him any more.

Q. You were giving him half? A. And I would not give him any more.

Q. So up to the time that Wardman Vail came to you, you had been giving up half of what you received? A. Yes, sir.

Q. That is, \$5 a week? A. Yes, sir.

Q. Twenty dollars a month; and it was your understanding when you gave up that money to whom it went? A. Well, I

don't know as to whether I can tell you about that; of course we all understood it went to the captain.

Q. All the officers? A. Yes.

Q. And that was the rule in the whole steamboat squad? A. Yes, sir.

Q. That one-half of the money that they received from the steamboat company should go to the captain? A. Yes, sir.

Q. And the wardman was the collector for that purpose? A. Yes, sir.

Q. He met you the next day, officer, you say? A. And he insisted on it again; and I told him I would not do it; I said, "I am no slave, and I do not propose to give up more than half; I think I am doing what is square; I said, "What guarantee have I got that he wont want some of my salary if I refuse;" he said, "You can do just as you please;" he said, I think it is better for you; this man can make himself very disagreeable to you;" I went to Mr. West and told him the circumstances; and he told me, "If I know you were doing that I would not have given it at all; I gave it for the services which you rendered, and I would not have given it all if I supposed any of it was going to anybody but you; I paid you because you done the work; that was in November, and on the 8th of January I was ordered to go down to pier A, and I went there and Captain Schmittberger asked me if I was told where my post was to be; I said, "No;" he said, "Post 2, over on the East river on the canal boats; that will be a good place for you;" and I went there and remained two or three days, and he changed me on the Mallory's line, and then he sent me to the Fulton Fish Market.

Q. This pier A was the station-house of that squad? A. The station-house.

Q. You were shifted around in a way you have described for no other reason, except the one you have assigned? A. No other reason that I knew; that is the only reason; I believe Captain Schmittberger told Commissioner Voorhis, that he had changed me because I had been smuggling; I was not tried and could not get a chance to be tried.

Q. Were there any formal charges presented against you? A. Never in the world.

Q. Merely an accusation against you? A. I don't know; it was only an intimation I got that such a thing had been told Commissioner Voorhis; it was intimated to me that was it; I was told by somebody; I do not know who now.

Q. You never received any information that charges had been made against you? **A.** No, sir; I went to headquarters and asked Mr. Kipp, if it was possible for a charge against me and I do not know it; and he asked me if I knew the rules of the department, and I told him, "No; I suppose the charge had to be entered on the blotter within 24 hours and the person notified;" and he said, "Yes; and that rule is followed;" I never had any charges and never was tried.

Q. Did you ever hear anything further about the situation, officer? **A.** Captain Schmittberger sent for me sometime after that; I think it might have been two months after; I was sent for, and he took me in his room and said he was going to make some arrangement on the North river, and he understood my friends were going to have me promoted to roundsman; and I told him that if my friends made any move to have me promoted to roundsman, I never applied for it, and he gave me a list of posts and requested me to make a selection, and I refused to make a selection, and I said, "You are captain, and I will try to do my duty;" he said, "What post do you prefer?" and I said, "Send me back where you took me from; he said I can not do that;" I said, "When you came here you were a bright and intelligent man," and I said, "You done one of the most foolish things you could have done;" I refused to take my choice of one of those positions.

By Senator Pound:

Q. When was that? **A.** That was two months after he changed me on the post; it was three years ago, I think, last February or March.

By Mr. Goff:

Q. Before Captain Schmittberger went there had you been giving up half the money you received to whatever captain was in the squad? **A.** Yes, sir.

Q. And that was the recognized rule and custom? **A.** Yes, sir.

Q. Among all the officers? **A.** Yes, sir.

Q. And was Captain Schmittberger the first captain that insisted upon giving up the whole of what you received? **A.** Yes, sir; of course I can not swear, Captain Schmittberger never

said anything to me about giving up the whole it was his wardman he recognized as his collector.

Q. And to that wardman, the representative of the captain, you had been paying one-half of what you had received? **A.** Yes, sir.

Q. Now, officer, did you learn in your position as a police officer, having knowledge of this transaction—did you learn about any transaction that the company had with the police after you left the company? **A.** No, sir.

Q. That—**A.** I think I have not been there but two or three times since I have been transferred from there; I may have been there half a dozen times to make a social call on Mr. West, but I did not know anything else aside from that; I never inquired, because it is not my business; that is, I do not remember, Mr. Goff, if I ever made any; if I did I would tell you.

Mr. Goff.—I believe you would. I do not hesitate to say that it is extremely refreshing, Mr. Chairman and Senators, that during this long course of investigation when we have had so many persons on the stand that had impressed the hearers here that they were not telling the truth that we should meet to-day here a police officer in uniform who has the courage and the honesty to state the truth; and it but illustrates what has been publicly said heretofore not only upon the platform in this city, but before this Senate committee time and time again, that there are decent men on the police force and so far as those men are concerned this committee has been, and is acting, and will act as their friends; that it is the system that this committee directs its forces against; and that there is no doubt whatever that there are men on the police force to-day in large numbers who occupy precisely the same position as Officer DeGann; and I think the community can very well appreciate this officer's sacrifice and his courage, and his honesty in coming before this committee and testifying in the manner he has testified.

By Senator Pound:

Q. Witness, you have said you had been in the habit of giving up before Captain Schmittberger came there to the various captains; was your business always done with the wardman? **A.** Always with the wardman.

Q. You had no direct transaction with the captain? **A.** No.

Q. But the wardman were regarded as the representatives of other captains? **A.** Yes, sir.

The Chairman.—Anything more from this witness, Mr. Goff?

Mr. Goff.—Nothing.

(Chairman Lexow resumed the chair.)

Charles G. West, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation? A. I am superintendent of the pier of the French line.

Q. And how long have you occupied that position? A. About 17 years.

Q. As distinguished from Mr. Forget, what are your duties? A. My duties are only such as require my presence at the pier; the superintending of the discharging, loading and coaling of the ships, and the employment of help.

Q. Now, touching the question of watching at the pier, or special service required by the police officer assigned there, have you had any direct connection with that part of the business? A. Yes, sir.

Q. What has been your connection? A. My connection, to explain it, would be to go back to the time and the testimony as given by Arthur De Gann.

Q. I wish you would, please. A. I don't remember just how Officer De Gann came to the squad; that is, the steamboat squad, but at the time that Captain Gastlin was captain of the steamboat squad we had upon the wharf an officer by the name of McCaffrey, he is since dead; this officer became dissatisfied with the pier, and was transferred at his own request to the Desbrosses street ferry; Captain Gastlin asked me if I had any preference for another to replace him; I told him that I had heard that there was an officer on the squad that spoke French, or rather an officer in the department that spoke French; if I could secure his services I should be pleased; within, I think, two months after, Officer De Gann came to the pier; that was the first time I had ever seen him; I found him to be a very intelligent officer and very accurate; a man that was evidently conscientious in his duty, and as we had sailings of our steamers that are early in the morning, and the arrivals sometimes being in the evening, and the passengers leaving the wharf made at night, I felt that he would be of value to us; I made the sug-

gestion to him that if he would come to the pier and give us the benefit of his experience as an officer in citizen's clothes, I would be pleased to pay him for it; I did so; I paid him as he has stated; also our business increased; we had new steamers which arrived early on Sundays, and our sailings were proportionately early on Saturdays, requiring someone to be on the wharf on Friday nights; and as we had had considerable trouble with these confidence men who were robbing indiscriminately our steerage passengers; I told De Gann if he would assist, since he would be there all day Friday and could see what passengers came, and what people hung around the pier, if he would come in the evening I would increase his compensation to \$10 a week; this I did.

Q. Well, Mr. West, proceed. A. After Officer De Gann was transferred I gave nothing further to the officer that took his place because the conditions were not the same.

Q. Well, how did it come to pass, so far as you know, that Officer De Gann was transferred? A. Well, I heard from him that he had had trouble with his captain, that was all.

Q. What was the trouble, did you hear? A. His — the Wardman Vail had applied to the officer, for, as he said, I think the entire amount.

By Senator Pound:

Q. That is the officer you mentioned, Officer De Gann? A. Yes, sir.

By Mr. Goff:

Q. The officer testified that you, on that occasion, said to him that if you had known he was giving up even half of the money he received you would not have given it to him; that you gave it to him for services, and not to them, meaning the captain and wardmen, is that so? A. I might have said so.

Q. Did you make any objection, to any person from your company so far as you know, to the removal of Officer De Gann? A. I did; yes, sir.

Q. To whom did you object? A. To everybody that I knew that had any influence.

Q. To any police official? A. Yes, sir.

Q. Will you name me a police official, please? A. Captain Schmittberger.

Q. Will you tell us the conversation you had with Captain Schmittberger? **A.** I could not give you the exact conversation, no, sir.

Q. Well, the substance to the best of your recollection? **A.** Well, I asked why the officer was removed; and he told me for insubordination.

Q. Well, go on and give us the substance as near as you can recollect it of all the conversation that took place between yourself and Captain Schmittberger? **A.** I think he charged the officer with having — with being in league with the immigrant boarding-house runners, in permitting them to solicit passengers on the pier.

Q. And did you make any observations on the accusation being made against the officer? **A.** I did; yes, sir.

Q. What was it? **A.** That was untrue, positively untrue, because with the aid of this officer and myself, I brought a number of houses before Commissioner Ridgeway, at that time the Commissioners of Immigration of the State of New York, and broke a number of those houses; I arrested several of the runners and together with the officer we did what we could to prevent anything of that nature.

Q. So that the officer rendered you efficient service in trying to break up the immigrant boarding-house runners? **A.** Very efficient service, yes, sir.

Q. Was that the first time you ever heard of any accusations being made against the officer on that score? **A.** Yes, sir.

Q. And you stated to the captain that was untrue? **A.** I did; yes, sir.

Q. What did the captain say further? **A.** Well, I think we closed our sescance that day in a quarrel; I do not remember; we both got excited; and I can not recall what followed.

Q. Was anything said at that interview in relation to the demand that was made on the officer to give up? **A.** No, sir.

Q. Were you aware of it at that time? **A.** Yes, sir.

Q. Did you have any further conversation with Captain Schmittberger in reference to that matter? **A.** I never spoke to him afterward.

Q. Never spoke to him afterward? **A.** No, sir.

Q. What officer was sent to the dock in place of Officer De Gann? **A.** Well, I can not recall his name.

By Senator Pound:

Q. Is the same officer on duty there now? A. No, sir.

Q. Did Captain Schmittberger say anything to you about these alleged charges against De Gann, in connection with smuggling? A. No, sir.

By Mr. Goff:

Q. After the officer that succeeded Degnan, or De Gann, was there, to your knowledge, was there any trouble with the police officials in reference to the payment of money to them for their services on the dock? A. I never heard a word about it.

Q. Do you know, if the same system was on? A. I would know, because I always paid myself, and I never paid anything after De Gann left until very recently.

Q. Do you know whether or not the company paid any money in any form or shape for services after De Gann left? A. I have no knowledge; no, sir.

Q. Did you ever hear? A. Oh, I have heard rumors, but I have nothing of my own knowledge, sir.

Q. Where did you hear the rumors? A. Oh, it was generally talked of all over; everybody talked of it; speaking of all of the companies, not the French line in preference to any others.

Q. The French line was not an exception? A. No, sir.

Q. All the other companies were in the same category? A. It was so talked.

Q. Did you ever hear it spoken of around the docks among the officers that instead of paying so much a week to the officers, a lump sum had been demanded of the company? A. No, sir.

Q. Now, I show you an entry here; do you understand French; don't you? A. A trifle; yes.

Q. I show you an entry, which Mr. Forget has testified to under the date of 21st of December, and ask you, if you had knowledge whatever of that \$500 paid for watching or surveillance of the dock? A. No, sir; I have no knowledge of it.

Senator Lexow.—I understand Mr. Forget testified this money passed through this gentleman's hands.

Mr. Goff.—Yes, sir; I am coming to that.

Q. Mr. Forget has testified he did not pay out the money; my recollection is that he testified the money went through your hands; have you any recollection of having paid out \$500? **A.** No, sir.

By Chairman Lexow:

Q. In the lump or in the smaller sums? **A.** No, sir.

Q. Will you swear you never did? **A.** I swear I never paid in the year 1891, \$500.

By Senator Pound:

Q. Ten dollars a week passed through your hands; didn't it? **A.** To Officer De Gann; yes, sir.

Mr. Goff.—He has testified already, Senators, that after De Gann left the money did not go to his hands; that is, he did not himself pay any money for police services on the docks after Officer De Gann left.

By Mr. Goff:

Q. Let me ask you, if the officer that succeeded De Gann continued to render some services to the company in a way like what Officer De Gann rendered? **A.** Absolutely none but police service.

Q. Absolutely none, but police services? **A.** Yes, sir.

Q. Do you know of any reason, or any cause by which the stoppage of the payment was made, except the removal of Officer De Gann; was there any other cause? **A.** Well, since Mr. Forget left those payments entirely to me, at the time that Officer De Gann was with us, his services were of value; the officer that succeeded him was absolutely no value, and I did not employ him.

Q. Did you ever see Captain Schmittberger on the dock there? **A.** Very often; yes, sir.

Q. Did you ever hear of this \$500 having been paid for any particular purpose in connection with the police? **A.** Nothing more than I have testified to of rumors I had heard, nothing.

By Chairman Lexow:

Q. Did you hear rumors with reference to this \$500? **A.** No, sir; not in reference to that; I heard a rumor there was a purse made up by the steamship companies, but nothing further than that.

By Mr. Goff:

Q. Do you recollect anything to the effect that instead of paying the sum per week, that a lump sum was paid by the company? A. Not from any official connected with the company; no sir.

Q. Or any one connected with the police? A. No; I think not with the police; as have testified it was a general rumor, that is all; nothing that would connect itself in any way.

Q. Did you ever hear that the wardman representing the captain went to the company or its representative and insisted that the money should be paid in a lump sum? A. No, sir.

Q. Did you ever hear anything about a receipt having been demanded for this money? A. Well, I demanded a receipt once myself.

Q. From whom? A. From a man named Gannon.

Q. That was a wardman? A. Yes, sir.

Q. Did you pay Gannon money? A. No, sir.

Q. Did he ask for money? A. No, sir.

Q. Was that after officer DeGann left? A. No, sir.

Q. While Officer DeGann was there? A. Yes.

Q. And this wardman demanded money for himself, or for the captain, and what did he say? A. He asked me for the amount I paid Officer DeGann, that I was accustomed to pay Officer DeGann.

Q. What did you say? A. I told him if he was entitled to it when he could satisfy me that he represented anybody that was, or would give me a receipt in the name of the party who claimed to be entitled, I would pay the money.

Q. What did he say to that demand? A. He laughed.

By Chairman Lexow:

Q. Didn't he say anything in that conversation that gave you to understand to whom the money was to be paid? A. Yes, sir; he did.

Q. What did he say? A. It was for the captain.

Q. Well, in the ordinary course of business there to whose hands would go the payment of any moneys as gratuities for services rendered to the company, or supposed services? A. Gratuities are always paid by the agents themselves.

Q. By the agent himself? A. Yes, sir; not through a superintendent.

Q. Not through a superintendent? A. Not to my knowledge; by his authority.

Chairman Lexow.—Is there any evidence, Mr. Goff, of this association among all the steamship companies of the city doing a foreign business?

Mr. Goff.—It is evidence that all the steamship companies were subjected to the same toll or payment to the various officers assigned to the various docks, and the testimony of the officer given in your absence was that that was a well recognized and understood thing among all the officers of the steamboat squad, that they had to receive the money and give up one-half to the captain.

By Chairman Lexow:

Q. Was that your understanding among the agencies of the steamboat companies? A. I am not an agent; Mr. Forget is.

Q. Or as superintendent? A. There is no such understanding among the superintendents.

By Mr. Goff:

Q. Your duties confine you to your—? A. To my own department, sir.

Q. These gratuities so far as we know, has this company been in the habit of giving gratuities at Christmas? A. I could not tell you, sir.

Q. You could not say? A. No, sir.

Q. Do you know of any gratuities having been given, for instance to the letter carriers? A. I have always given the letter carriers myself.

By Chairman Lexow:

Q. What was the date of this conversation between you and Mr. Gannon? A. I could not tell you, Senator.

Q. About? A. It was just before DeGann was transferred, but I could not give you the date.

Q. Who was the captain in the precinct then? A. Schmittberger.

By Mr. Goff:

Q. Now, this item here says that for watching the dock, now, was that not part of your business to look after the safety of the

dock and freight, and everything else on that dock? A. Yes, sir.

Q. That is principally within your department? A. Yes, sir.

Q. And so that for the payment of the tribute to any person engaged in watching that dock you would in the ordinary course of business have knowledge of that? A. Yes, sir.

Q. You had to do with the employment of men, and you were responsible for the safety of all that was on the dock? A. Yes, sir.

Q. Now when this item here says that this money was paid as a special subscription for watching the wharf, for the surveillance, as they called it, would that come in the ordinary course of business within your province as superintendent of that dock? A. I should think so, yes.

Q. Have you any knowledge of this item or the payment of the sum of money mentioned here? A. No, sir.

Q. Do you remember this item here — I would say, Mr. West, it is on the 31st of December, 1894, do you remember when Captain Schmittberger left the squad? A. I think it was in January, 1892.

Q. Do you know if Gannon applied to any other official of the company for payment besides yourself? A. I do not, sir.

Q. Did any official of the company speak to you about it? A. No, sir.

Q. Or any employe of the company? A. No, sir.

Mr. Goff. — Is Alderman Schott in court?

Alderman Schott. — Yes, sir.

Q. You have spoken about the immigrant house runners; did you have, as a representative of your company, any trouble with a man by the name of Ryan for blockading the sidewalk, and streets, and approaches to your company's docks? A. Yes, sir.

Q. Will you tell the committee the extent of your trouble in relation to the obstruction by Ryan of his packing boxes? A. It was during the administration of Mayor Hewitt I received a letter from some passengers, complaining that it was impossible to drive their carriages to the pier through Morton street, and asking if the French line could not offer the same facilities as the White Star and Cunard line, and other lines adjacent; I had had many complaints from my employes, stating that they had their clothing torn, that they had been assaulted in passing from the pier to their homes through Morton street from West to Washington; I had complained many times to the

police to have these obstructions removed, but without any success; and having read of the interest that Mayor Hewitt took in such affairs, I inclosed a letter, and the various complaints I had received, and accompanied by one from myself to Mr. Hewitt; within three days I had a reply that it would receive his personal attention; within two days there was not a box on the street; it was entirely clear; I also received from the chief of the bureau of incumbrances, from the superintendent of police, letters stating that the matter had been referred to them and would receive attention, and it did; but after a while things reverted to their own conditions; and within the last two years I made another effort, and the City Club, I think it was, gave me material assistance; and we measured off the street, and found that from the house line to the curbstone there was allowed by Mr. Ryan but two feet for passengers, both sides; on the stoop-line of the sidewalk was filled with boxes, and was 60 feet high from the two feet open space, and then from there across the middle of the street was about 40 feet high with boxes from Washington street right through to West; I then wrote to the chief of every department, of the city government, that I thought would be interested; I wrote also to the mayor; I wrote to the underwriters, the fire commissioners, the fire marshal, to the board of health, stating exactly the situation: Mr. Ryan was required to cut down for a while, and, in fact, he cleared the street, excepting to the stoop line, but he still continues to monopolize the street, and the remedy that we had was only temporary; and it is in the summer-time a very dangerous place; and I would state that at the very time that Mr. Ryan was giving his testimony before the committee a man was found dead in one of his boxes stripped of clothing, and had been dead for about three weeks; and the lodgers, as we called them, those who occupy those boxes — tramps and such like, to sleep out nights, complained of the odor, and then they found the man.

Q. It was not until their delicate sense of smell was offended by the odor of the three-weeks corpse that the corpse was discovered? A. Yes; we called that the Walled Off Flats.

Q. Well, it is pleasant to know that we can have a record that even tramps can not stand the smell of a dead body; that is what is called the Walled Off Flats? A. Yes.

Q. I will ask you if you heard a rumor around the docks either among the employes or among other persons that shortly

before the removal of Captain Schmittberger from that command that he received \$500 in cash at the office of the company from the company or its representatives? A. I heard such rumors, but not from any person connected with the company.

Q. It was rumored about the docks? A. Yes.

By Chairman Lexow:

Q. Was it a matter of general notoriety around there that that had been the case; a matter of rumor? A. Yes, sir; the same as with the Cunard and other companies.

By Mr. Goff:

Q. That is what you have reference to about the steamboat companies making up a purse for the captain? A. Yes, sir.

Q. And it was about two or three weeks before he left the squad, before he was removed? A. I did not hear it then; no, sir.

Q. Immediately after? A. It was a long while afterward, perhaps may be a year; but not at the time, I did not hear it.

Mr. Goff.—Unless the Senator has some questions to ask, Mr. West, that will do; unless you have some questions, Mr. Chairman.

By Chairman Lexow:

Q. Have you ever traced that rumor to its official starting point? A. No, sir; I had no reason to.

Q. Did it come to you in any way that carried conviction? A. No.

Q. So that you believed it? A. Well, I could not say that; no, sir.

Q. Do you mean to say that you disbelieve it now? A. Well, I—I can not say that I believe it, or disbelieve it; I never have given it any particular attention.

By Senator Bradley:

Q. From the party you heard it from, would you rely upon him? A. No, sir; I would not; it was just general rumor; I could not tell who I heard it from.

By Senator Pound:

Q. Was it a rumor that a purse had been made up by contributions from all the companies? A. It did not say all the

companies, a number of companies; in our neighborhood there are only three or four prominent companies.

By Chairman Lexow:

Q. And those three or four companies made up the purse?
A. That was the rumor.

Q. Each contributing \$500? A. No price stated; there had been a purse made up.

Chairman Lexow.—That is all.

William H. Schott, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation? A. Passenger agent.

Q. Of what company? A. The French line.

Q. Where is your office? A. No. 3 Bowling Green.

Q. You are frequently brought to the French pier, are you not, by business? A. Yes, sir.

Q. You have been an alderman of this city? A. Yes, sir.

Q. Is that the only office you ever held? A. That is the only office — political office.

Q. Do you know anything about the company paying money for police services? A. No, sir.

Q. Did you ever hear of it? A. I have.

Q. It was an understood thing among the gentlemen connected with the company? A. Yes, sir.

Q. That such money was paid; did you ever hear about the sum of \$500 having been paid at one time? A. No, sir.

Q. Is this the first time you ever heard of it? A. No; it is not the first time I heard of that.

Q. You have heard of it before? A. I did; the same as Mr. West claims — rumors.

Q. Of the employees of the company or persons connected with the company? A. Persons connected with the company.

Q. Now, I ask you about this item here on page 417, the item before referred to on 31st of December, this item of a payment of \$500 for special watching or surveillance on the pier, etc.; do you know anything about that? A. No, sir; I do not.

Q. Did you ever see it before? A. No; I saw that before; yes, sir.

Q. Where did you see it? A. At our office.

Q. How did you come to see it? A. Well, it was pointed out to me by one of the bookkeepers who came back, who brought the books back after I permitted him to bring the books up to Mr. Wellman.

Q. You say it was pointed out to you by one of the bookkeepers? A. Yes, sir.

Q. After you had permitted the books to be taken by Mr. Wellman; is that correct? A. Yes, sir.

Q. Was Mr. Forget in Europe at that time? A. He was.

Q. Who took his place here while in Europe? A. It was delegated to a gentleman who represented the freight department.

Q. Who was the other gentleman? A. Mr. Cushbaugh.

Q. Did you institute any inquiry concerning this item when it was called to your attention? A. No, sir.

Q. How did the bookkeeper come to call it to your attention? A. That I don't know.

Q. Did he tell you it was a matter of inquiry? A. He heard a rumor, I suppose, it was on account of the rumor he heard.

Q. Was it any part of your duty to inquire about this item when your attention was called to it? A. No, sir.

Q. Would any of this money, this \$500, in the ordinary course of business go through your hands for gratuities to any persons? A. No, sir; no money passed through my hands.

Q. You simply looked after the passenger department? A. That is all.

Q. And arrange for the state-room and took in the money? A. That is all.

Q. You had nothing to do with the watching of the dock? A. No, sir.

Q. Have you any personal knowledge whatever of this transaction recorded in this book? A. I have not.

Q. In any manner, shape or form? A. No, sir.

Q. Do you swear the first time you ever heard of it was when the bookkeeper called your attention to it at the time you have stated? A. No, sir; I can not say that.

Q. Then you heard of it before? A. I heard of it by rumor.

Q. When the bookkeeper called your attention to this item you recognized the identity of the item with the rumor you had heard? A. That is exactly it.

Q. And did you hear anything at that time, that all the steamship companies had united in a purse or presentation? A. Yes; by rumor.

Q. Yes; I mean to say by the same source? A. Yes; by the same source of information.

By Chairman Lexow:

Q. Do you know from whom you heard that statement, that the steamship companies were making up a purse? A. No; it was general.

Q. Did you ever try to trace stories of that kind to the bottom? A. No, sir.

Chairman Lexow.—Is that all.

Mr. Goff.—Yes, sir.

Chairman Lexow.—That is all. This seems to be a convenient point to take a recess, unless there is some reason why another witness should be called.

Mr. Goff.—I would just like to ask Mr. West—we had adopted a sort of rule or custom of prolonging our investigation a little further than 1 o'clock. I would like to ask Mr. Forget a few more questions.

Augustin Forget, recalled, testified as follows.

Direct examination by Mr. Goff:

Q. I presume that you have paid close attention to the testimony of the various witnesses that you have heard? A. Yes, sir.

Q. Since you had been on the witness stand? A. Yes, sir.

Q. Has your memory been at all refreshed by that testimony? A. No.

Q. Are you in the same condition that you do not remember, that you were when you left the stand? A. Exactly the same.

Q. Your memory is in the same uncertain frail condition? A. Exactly, sir.

Q. As when you first went on the stand? A. Yes, sir.

Q. Do you know anything that would refresh your memory into activity? A. No, sir.

By Chairman Lexow:

Q. Do you want to try to remember, or don't you? A. I wish I could remember.

Q. You are making an honest effort, are you, to remember?

A. Yes, sir.

By Mr. Goff:

Q. Well, have you resolved, Mr. Forget that your memory shall remain weak? A. Oh no, sir.

Q. Were you ever before attacked with failure of memory?

A. No.

Q. Have you ever been on the witness stand before in any court of justice, or before any investigating committee? A. Yes; once.

Q. Where? A. Ask my counsel.

Q. Was it in this country? A. No; but it was a committee from Washington.

Q. Before the committee of Commerce and Irrigation? A. Yes, sir.

Q. Was your memory pretty good before that committee? A. Yes.

Q. And you were able to answer all their questions? A. Not quite.

Q. Did your memory fail you? A. No.

Q. You were not asked about paying police protection, were you, before that committee in Washington? A. No, sir.

Q. And has the fact that you are not asked about paying police protection, has that affected your memory anything? A. Not a bit.

Q. It still remains weak? A. Yes, sir.

Q. Now, Mr. Forget, I wish to be perfectly fair with you and appreciating the fact that you may not understand the full import of all the words I use, I want to be as frank with you as possible; and I ask you again on your oath—I remind you again that you are under oath—if you can give any better answer than you have given relative to the payment of this item of \$500? A. I can not.

Q. Your memory yet remains weak? A. Weak; I don't remember.

Q. And you don't want to remember? A. I don't say so.

Q. Do you swear you don't want to remember? A. I don't swear; no, I won't.

Q. You won't deny, Mr. Forget, that you have made up your mind to forget; isn't that the truth? A. I don't—

Q. You don't understand me? A. Not quite, sir.

Q. Haven't you determined in going on this stand not to give any testimony relating to this \$500? A. No, sir.

Q. Has anyone spoken to you about it? A. No, sir.

Q. Have you ever been spoken to about this \$500 by any person? A. No; I spoke with my counsel.

Q. You have advised with your counsel about it? A. Yes, sir.

Q. And your counsel, as we all well know of him, is a careful, prudent man? A. Yes.

Q. You recognize him as such? A. Yes.

Q. And you rely upon his advice? A. Entirely.

Q. Your counsel has advised you that it would be imprudent for you to come in conflict with the police; hasn't he? A. No.

Q. What -- is there anything the matter, Mr. Forget; are you nervous in any way, that you are looking down at your hands and feet? A. No.

Q. Will you tell me the names of the persons who accosted you down at Quarantine on board of the La Touraine? A. It was an officer with a subpoena.

Q. With a subpoena from this committee? A. Of this committee for the following Monday.

Q. For the Monday afterward; yes; and by reason of the pressure of business on that Monday, we excused you until a later date? A. Yes.

Q. As we are always willing to accommodate if we can; I ask you the names of the other persons who accosted you on board the steamer down at Quarantine that morning? A. There are so many people, I can not tell you.

Q. Well, when you received this subpoena, did you not know that you were asked to -- ? A. No, the officer told me it referred to some doctor's business; the officer who gave me the subpoena, said it referred to some doctor, to an inquiry about the doctors of the Quarantine.

Q. That it came from the doctors of the Quarantine? A. Yes; that it came from a committee who had to inquire of a doctor's doings.

Q. Do you not remember that the person who served you with the subpoena told you that you were to allow no person to talk with you about going with the Senate committee? A. He never said so.

Q. When you arrived at the dock at Morton street a great many people met you? A. Yes.

Q. There were three gentlemen that went on the dock there particularly, and talked with you; do you know who they were?

A. No.

Q. Well, you introduced one of them to your wife, for instance, do you remember that gentleman? A. No; I may have; I don't know it.

Q. You went away in a cab with your family, did you not? A. Yes, sir.

Q. Didn't you see the captain of the precinct in uniform on the dock; didn't you see a captain of police in full uniform on the dock? A. No, I don't remember; I may have seen him; I don't remember; I don't know him, even; he may have been there, but I don't remember the captain.

Q. Did you hear about the police trials while you were in France? A. No, sir.

Q. When did you first learn that your book had been inquired into? A. On the steamer when I arrived.

Q. Who told you? A. Mr. Schott.

Q. Were you told that before you were served with the subpoena? A. No; afterward.

Q. You were served with a subpoena as soon as you reached Quarantine, weren't you? A. Yes.

Q. Early in the morning? A. Early in the morning.

Q. What did Mr. Schott tell you? A. He told me that the court had asked for my books, and that he had given my book.

Q. Did he tell you about this item of \$500? A. No.

Q. Alderman Schott said that his attention had been called to this item of \$500; did he call your attention to the item? A. Not that day, but the day after; on Monday—that is the day after.

Q. Didn't he tell you that that was going to be a subject of inquiry about that \$500? A. No; he did not mention that \$500; he mentioned about the books; the books had been taken away from my office during my absence.

Q. When did you learn about this item in your books of \$500, being the subject of inquiry; when did you first hear that the committee was going to inquire about this item of \$500? A. I was not told the committee was going to inquire about this \$500; the \$500 was not mentioned.

Q. Not mentioned? A. Not between me and Mr. Schott, or on Quarantine; not about this \$500 at all.

Q. Had you forgotten about this item of \$500? A. Entirely.

Q. Now, after hearing Mr. West's testimony that no part of this \$500 went through his hands, and you having testified that this money, or part of it, went through his hands for the purpose of paying tribute or gratuities, what have you to say? A. I have to say I am sole manager of the line, and if I don't like to give money to the head of the department I don't do it; I have all control of the money.

By Chairman Lexow:

Q. You mean to say you paid out this money yourself? A. Certainly; or the cashier paid it.

Q. To whom did you pay it? A. I don't remember.

Q. Are there any other items of \$500 of your accounts in that company that you can explain as poorly as you make the explanation in regard to this? A. No; I could not.

Q. Is there any other item of \$500 on the books that you can not explain? A. There might be some; but I don't know, Counsel, there is any.

Q. Do you think there is? A. No.

Q. Are you willing to have the explanation of that item go on record, in view of the testimony of Mr. Schott and Mr. West, as you have made it? A. Certainly.

Q. Are you willing, sitting there as a witness under oath, to have it go on record in that form? A. In what form?

Q. That you absolutely decline? A. I do not decline; I say I do not remember; that is all; but I do not decline.

By Senator Bradley:

Q. You mean to give the committee to understand that if you paid me \$100, or \$500 for doing a certain act, that you would not remember inside of two years? A. That is nearly three years.

Q. Well, nearly three years? A. I may not.

Q. You are an intelligent man, and must have a good memory, and pay \$300 or \$500 is a pretty good item.

By Chairman Lexow:

Q. Is there an only charge of \$500? A. The only one.

By Senator Bradley:

Q. You would not remember if you paid me \$200? A. I do not think so, sir.

By Mr. Goff:

Q. I call your attention to the item, the one preceding the one in question, for \$900, made up of two items, one of four and one of five; please tell us what that item is in the English language? A. Ten boats, at \$40 a boat, this date, to Mr. Mason; that is an agent of the sugar factory of San Domingo.

Q. Five hundred dollars to that agent? A. Yes; but these are invoices.

Q. You remember about those items? A. Yes.

Q. And a payment of those items was recorded immediately preceding the payment of this item of \$500? A. I am bound to remember, because it is written 10 boats, at \$40.

Q. So it is written here here in this special item, that \$500 had been paid for a special watching of the wharf; why are not you bound to remember that? A. It is indefinite there.

Q. But you say this is the only item, where your name is mentioned, as having paid the money? A. Yes.

Q. I hand you this book, and ask you if you can show me an item here where the money is specially charged as going through your hands; can you show me one? A. No.

Q. As matter of fact, that is the only one in the book? A. I don't say so.

Q. Do you know? A. I can not look at the book just now.

Q. Do you know of any other item of \$500 that has passed through your hands? A. There is one above.

Q. But that is clearly set forth; but what we want to get is the special item of \$500; but it is not set forth clearly? A. I do not remember; I am very sorry, and I would tell you at once.

Q. You are a gentleman of position here and a gentleman of character; you assume a position of great responsibility — the agent of a great steamship company — do you mean to go before this community to-day resting upon that answer, that you can not give us any information as to who that \$500 went that passed through your hands on the 31st of December, 1891? A. I am sorry I can not.

Q. You wish to have yourself on record in every newspaper in this country, and possibly France, that you failed to remember to whom you paid \$500 for watching your wharf; is that

a fact; do you wish to go down as that? A. I do not mind it; I do not remember.

Q. Is your conscience so dull that you do not care in what light you stand before the community? A. My conscience is different from memory.

Q. Your conscience is alive? A. Yes.

Q. And your memory is dead? A. A good deal like it.

Q. You are satisfied to go on record in that condition? A. I don't mind; I don't remember the fact.

Q. Will you swear that that \$500 was not paid to Captain Schmittberger? A. No; I do not swear.

Q. Will you deny it? A. No.

Q. Will you dare deny it? A. No; I don't remember.

Q. Will you dare deny that that \$500 was paid to Captain Schmittberger? A. I do not know it.

Q. You do not deny it? A. I do not remember; that is what I say; I don't remember the case.

Q. Haven't you been appealed to not to testify against Captain Schmittberger (the witness hesitates sometime); is your memory resurrecting? A. I may.

Q. Yes; now, Mr. Forget, isn't it a fact that persons have been to you, begging you not to testify against Captain Schmittberger; give me that paper there. (Witness does not answer.)?

Chairman Lexow.—Tell the truth, Mr. Forget. A. The truth is I do not remember.

Q. Don't you remember whether people within a recent period of time, have been to you, and asked you not to testify against the captain; can't you remember that? A. I see what Mr. Goff means.

Q. Do you remember it or not? A. No; I do not remember that; it has a general talk about all the police, not about Captain Schmittberger, more than anyone.

Q. Will you swear you have not been asked by several persons in this city not to testify against Captain Schmittberger of this precinct? A. No; I wasn't.

Q. You have been asked? A. Yes, not to testify.

Q. Yes; I know it? A. Well, I tell you when I remember, I tell you the truth.

Q. Give us the names of the persons who asked you? A. That I do not know.

Q. Was it a man that asked you, or a woman? A. It must have been men.

!!

Q. Were they strangers to you? A. One was a stranger.

Q. Who was the other? A. I do not know—I do not remember the other.

Q. Your memory fails you? A. I have been asked a number of times.

By Chairman Lexow:

Q. You have been asked a number of times? A. Yes, by two or three people.

Q. On different occasions? A. Yes, sir.

By Mr. Goff:

Q. Haven't you been asked, since you arrived home; haven't you been told, that if you testified against Schmittberger you would ruin him; haven't you been told that? A. Yes, sir.

Q. Haven't you been told that on account of his wife and large family that you should have mercy on him, and not testify against him? A. Yes.

Q. And didn't you promise that you would not testify against him? A. No, I did not.

Q. What did you say? A. Nothing.

Q. Said nothing? A. I said nothing; said I shall answer the questions put to me.

Q. Didn't you say that you would answer that you don't remember didn't you use those words? A. No, sir; never.

Q. Didn't you say to a certain person about Captain Schmittberger that you could answer on the witness stand that you did not remember? A. No, sir; I did not say so, sir.

Q. Will you swear you did not? A. I positively swear I did not.

Q. Your memory does not fail you? A. Not so far that I don't remember.

Q. Weren't you told by a certain person that the best way to get out of it was to say you did not remember; will you swear you were not so told? A. I don't think so.

Q. Will you swear you were not; look at me; will you swear, Mr. Ferget, that you were not told the best way to get out of it, was to say you did not remember? A. No; I can not swear to that.

Q. You won't swear that; then it is a fact that you were told that the best way to get out of it was to say you don't remember? A. No.

Q. Can't you swear you were not so told? A. I can not remember.

Q. You don't remember again? A. I won't swear.

Q. How soon after your arrival, or your return from France, were you approached by any person in relation to this Schmitt-berger matter? A. It may be a day or two days.

Q. It may be a day; and weren't you told by the man who served you with the subpoena at Quarantine, that you should not talk with any person about it? A. No, sir; certainly not.

Q. Weren't you asked by that man, who served you with the subpoena, in the hearing of a third person, that you were to report to me if anyone should approach you on the subject? A. No; never mentioned it.

Q. Never mentioned it? A. No; call the officer here; he never mentioned it.

Q. Now, you say, that if the officer that served you with the subpoena was to swear that he did tell you that you were under subpoena, and that if anyone approached you you should immediately notify the committee or Mr. Goff about it, would he tell the truth? A. No, sir.

Q. He would not? A. This man gave me the subpoena, and said, "Are you Mr. Forget?" and I said, "Yes;" I looked at it, and that was all, and I went my way.

Q. He sailed up with you, on the boat, didn't he; on the deck of the steamship? A. He did not talk with me afterward.

Q. And came with you to the dock of the steamship? A. Most likely so; he may have followed me.

Q. Who was the man that called you aside when the ship arrived at the slip at Morton street; who was the man that called you aside and conversed with you? A. I don't remember.

Q. Your memory fails you again? A. Yes; on that point; yes; there are so many people coming to talk with me when I came down.

Q. I ask you about this particular subject; I am not asking you about the steamship business at all? A. I don't remember about this.

Q. You don't remember anything? A. I don't about this case.

Q. I will come to the person that talked with you; you say one was a stranger; where did that stranger talk with you about

the Schmittberger case? A. I spoke of the officer that gave me the subpoena.

Q. That is not what you stated a moment ago; you said a person talked with you about the Schmittberger case, and one was a stranger, and one you knew? A. I don't remember; somebody spoke to me about Schmittberger and the captains in general.

Q. Who was it spoke to you? A. I don't remember.

Q. You said somebody spoke to you that you knew? A. Somebody; but I don't remember the person; I know somebody spoke to me about it; I don't remember who that person was; I don't remember now.

Q. Did you remember before you went on the stand? A. No, sir.

Q. Will you remember after you leave it? A. No — I may.

Q. You have made up your mind not to remember anything while on the witness stand? A. I beg your pardon; you make a mistake.

Q. I told you I wish to treat you fairly; do you think we are justified in allowing you to go on your simple answer that you do not remember? A. I leave it to you.

Q. Do you leave it to me to say what my opinion is? A. Just as you please.

Q. I do not want to express my opinion; I wish to let the record speak for itself; now, have you any corrections to make in your testimony? A. No, sir.

Q. Did your company ever pay any money to the police for services rendered? A. Yes; \$10 a week, Mr. West told you.

Q. Yes, we have that; Mr. West's memory is accurate on that subject; now, Mr. West testified that after Officer DeGann was removed from there, that so far as he knows no money went through his hands; do you know anything about it? A. I don't remember.

Q. You don't remember again? A. No, sir.

Q. Will you swear the company paid any money for police service after Officer DeGann left? A. Mr. West told you he paid a little, I believe; lately he gave \$10 again, I think; I don't know, I think so.

Q. Will you swear any money ever went through your hands or by direct orders for police service, on that dock? A. I don't remember.

Q. Will you swear money did not go for that purpose? A. I will not swear; for one thing, I do not remember.

Q. You do not remember? A. No, sir.

Q. Could it have gone through your hands without your remembering it? A. Yes.

Q. You mean to say that money would go through your hands and you could not remember it? A. It may be.

Q. Have you any ideas at all upon the subject? A. Upon what subject?

Q. Upon the subject of money going through your hands without your being able to remember it? A. No, sir.

Q. Have you any ideas upon that or any other subject in connection with the police at all? A. No, sir.

By Chairman Lexow:

Q. Do you deny now that this \$500 was paid by you to captain Schmittberger? A. No; I do not deny it; I can not remember where I paid the \$500.

Q. Will you swear that the sum of \$500 did not go to the policeman? A. I say —

Q. Didn't you say a moment ago, you would not deny it? A. I said I did not remember what I did with this \$500.

Q. Didn't you answer to my question that you would not deny it that that money had gone to Captain Schmittberger; didn't you say that a moment ago on record here? A. I am trying — you must excuse me; I went on the stand an hour and a half ago.

Q. Didn't you swear a moment ago in answer to my question that you would not deny that that \$500 went to Captain Schmittberger; do you deny that you made that statement? A. No; I do not deny it.

By Mr. Goff:

Q. And if you made that statement, was it not correct; was it not true? A. The statement is that I don't remember.

Q. When you made that statement, and swore to it, was that true or false? A. Mr. Goff, I am very tired just now, and it is the first time I appeared as a witness, and if you would let me rest a few minutes, I will be much obliged.

Mr. Goff. — Certainly, with the greatest of pleasure.

Chairman Lexow. — I think Mr. Forget, has made a mistake, and if he considers the matter between now and the time we

adjourn to, that he will be prepared to make a square, honest, manly statement, on this subject. That is what you ought to make. We represent the citizens of New York here, and you are one of the citizens, and should be as much interested as anyone else for an honest government of this city.

Mr. Goff.—Before the adjournment is announced, will you please notify all witnesses who are under subpoena, to be here promptly at the time of the assembling.

Chairman Lexow.—All witnesses under subpoena will re-assemble here at half-past 2 o'clock sharp. We will stand adjourned until that time. Mr. Forget, you understand that you are a witness under examination, and that you must not speak with anybody with reference to the testimony in this matter; you must not speak with anybody.

The Witness.—Not even with my counsel?

Chairman Lexow.—No, sir; with anybody. You are under examination now.

AFTERNOON SESSION.

October 9, 1894.

Present.—The committee as before, and also Senator Cantor. Augustin Forget resumed the stand:

Direct examination continued by M. Goff:

Q. Doing recess have you given further reflection to your testimony? **A.** Yes, sir.

Q. Have you anything further to say in relation to it? **A.** No, sir.

Q. You still fail to remember? **A.** Yes, sir.

Q. You said that you had been approached. Mr. Forget, not to testify against Captain Schmittberger and other captains; what other captains were you asked not to testify against? **A.** I say all captains; not one captain; Captain Schmittberger and the captains, the captains of the force.

Q. Why were you asked not to testify against the captains of the force? **A.** Because the subpoena refers to the corruption of the police.

Q. You were asked to not testify? **A.** Oh, no.

Q. But that is what you just testified to; you said that you had been approached by persons not to testify against Captain

Schmittberger and other captains? A. M. Goff, I am not very well acquainted with English, speaking English; and at the end of the examination before recess I got confused and tired, and under the circumstances I would ask you to give me a French interpreter.

Q. Well, I think we can get along Mr. Forget, and I do not propose that you should be misled in the slightest degree? A. No, not by you, I know it.

Q. I shall try to do the best I can, because the questions I want to ask you are comparatively few in number; now, Mr. Forget, can you state to the committee the name of any person who spoke to you about testifying against Captain Schmittberger or the police in general? A. No.

Q. Well, that must be within a month that you were subpoenaed? A. Within a fortnight.

Q. Has your memory failed you so soon, within a fortnight, that you can not tell us the name of a person who spoke to you? A. I would rather not, Mr. Goff.

Q. It is a matter of great importance, Mr. Forget, that we should know all about this transaction, and personally I would like to excuse you; but the committee is irrevocable in its determination to insist upon all proper questions being answered; we consider that a proper question; give us the name of the person who made this request of you? A. Well, I think it was a Mr. Wolf.

Q. What is he? A. I don't know.

Q. Do you know his business? A. No; I don't.

Q. Did you know him before he approached you? A. Yes; by sight.

Q. Where did you see him? A. In the town.

Q. Sir? A. In town.

Q. In the city here? A. In the city here; yes.

Q. How had you come in contact with him; in what relation? A. In business relation.

Q. What is his business? A. Well, he may be a passenger on my line.

Q. He may be a passenger? A. A passenger; yes.

Q. Do you know where he resides? A. Not exactly; I know he lives in this city, the city of New York.

Q. This city is a considerably large town? A. Well, I couldn't tell you where he resides; not exactly.

Q. Where was it that he spoke to you about this matter? A. Well, he spoke to me at the hotel.

Q. At the hotel? A. Yes.

Q. What hotel? A. Hotel Martin.

Q. University place? A. Yes, sir.

The Chairman.—Get at his first name, Mr. Goff.

Mr. Goff.—Yes, Senator.

Q. Do you stop at the hotel? A. For a few days.

Q. What is Mr. Wolf's first name? A. I don't know, sir; Wolf is the name.

Q. Can you give us any further particulars concerning him? A. No.

Q. Who opened the conversation? A. He did.

Q. What did he say? A. He asked me if I had been subpoenaed to appear before the Lexow committee, and if I knew what about, if it was about Captain Schmittberger.

Q. What did you say? A. I said, "No;" this is a subpoena that does not give any name."

Q. Then what did he say? A. Well, he said, "If it is for Captain Schmittberger, you know that he is a respectable man; you know that he has never done anything wrong."

Q. Yes; what further? A. That is all I remember.

Q. What did you say? A. Well, I said that I would appear here and tell the truth.

Q. That you would come here and tell the truth? A. Yes, sir.

Q. Is there any other person than Wolf who spoke to you? A. Not that I remember.

Q. Is that all? A. No; there is another person, but I don't know.

Q. Who is the other person? A. I don't know; I can not tell you.

Q. Where did the other person speak to you? A. In the Hotel Martin, too.

Q. Was he with Wolf? A. No.

Q. Was it before Wolf had spoken to you, or after? A. After.

Q. What did this unknown person say to you? A. Well, he asked me also to speak about the truth, to tell the truth.

Q. To tell the truth? A. To tell the truth; yes.

Q. Wasn't it a very strange thing for a stranger to come to you and ask you to speak the truth? A. Well, the truth about Captain Schmittberger.

Q. How did you know you were subpoenaed in relation to

Captain Schmittberger? A. Because Mr. Wolf told me to, that I might be subpoenaed in his case.

Q. But you received the subpoena on board ship? A. Yes.

Q. How did Mr. Wolf know that you were going to be questioned by Captain Schmittberger? A. Most likely Captain Schmittberger told him.

Q. What occasion had Captain Schmittberger to interfere; do you know? A. Well, as for Captain Schmittberger himself.

Q. That is true; how many days had you been in New York after your arrival, when Wolf spoke to you? A. It may be the same day or the day after.

Q. The same day; well, you arrived here on Saturday morning? A. Yes, sir.

Q. Do you think it was on that day that he spoke to you? A. May be.

Q. Or Sunday? A. Maybe Saturday.

Q. Maybe Sunday? A. Saturday.

Q. Did you ever see Wolf before? A. Yes; I have seen him.

Q. Did you ever see him since? A. Yes; once more.

Q. Did he talk with you again on the subject? A. Yes, sir.

Q. What did he say to you the second time? A. The same thing.

Q. Give us what he said to you the second time? A. Well, the second time he asked me to -- what did he say; I don't remember exactly what he said, but it was about the same subject, that the captain had been a very good officer for the French line; he had done his duty to us, and, in fact, I remember a case where some passenger had been robbed on our steamers and he took a great deal of care, and if I have testified, to remind the public and yourself, the gentlemen here, that he had done his duty.

Q. You stated before recess that some person had appealed to you on account of Captain Schmittberger's wife and large family? A. No; Mr. Goff, you told me so.

Q. Was there no mention made of his family? A. Well, you mentioned so.

Q. I am speaking about those people who spoke to you? A. About his wife and family?

Q. Yes? A. No; you mentioned it, but you were right.

Q. I was right? A. Yes.

Q. To what extent was I right? A. That he has a wife and eight children.

Q. How do you know that? A. You told me so.

Q. Do you know outside of what I told you? A. No.

Q. Then how do you know I was right? A. Because I answered you; you said so, and you were right.

Q. Well, I don't want to misunderstand your English; do I understand you to say that no person ever spoke to you about Captain Schmittberger's family? A. Yes; someone spoke to me about it.

Q. Who was it that spoke to you about his family? A. I think it was Mr. Wolf.

Q. What did Mr. Wolf say to you about his family? A. That he had a very large family with eight children.

Q. Did he not say to you that if you testified against him that it would be a great injury to that family? A. No; he didn't say to testify against him; he said if I gave him a bad character as a police officer on the pier that might injure him and his family too; he might be deprived of his posts.

Q. You say you don't know where Mr. Wolf resides, except that he resides in the city? A. Yes, sir.

Q. Was he a guest at the hotel? A. No.

Q. How do you know? A. Because I saw by the book.

Q. What? A. By the hotel book.

Q. You say by the hotel book you saw it? A. His name is not on the list.

Q. Did you look for it? A. Yes, sir.

Q. Where did you look for it? A. Because I wanted to know who he was.

Q. But you knew his name? A. No; he sent his card to me.

Q. Before he sent his card to you did you look on the hotel register? A. No; afterward.

Q. And you didn't find any record of his name on the hotel register? A. No, sir.

Q. You say you met him before; in what relation did you meet him before? A. As a passenger or a merchant of the line; you know, Mr. Goff, I have about 12,000 or 20,000 coming to my office.

Q. Have you got that card that he sent you? A. No, sir.

Q. You say he sent to you twice? A. Twice; yes, sir.

Q. Did he address you on each occasion at the Hotel Martin? A. No; I am not sure about the first time; I am sure about the second time.

Q. That it was at the Hotel Martin? A. Yes, sir; the second time.

Q. Now, you have told us about two persons, one of whom you know by the name of Wolf, and the other whose name you don't know; did a third person talk to you about Captain Schmittberger? A. I don't remember, no, I don't think so.

Q. You don't think so? A. I don't remember.

Q. Was there anything said by Wolf or this unknown man about the \$500 item in the book? A. No, sir.

Q. Why did you hesitate to answer me, Mr. Forget? A. I don't hesitate, but you know I don't remember.

Q. You are trying to think evidently; you are trying to remember? A. Well, I may be the cause of losing the position of a good man; I must think twice before I answer; in English it is hard work for me; I have to translate every word I speak to you; it is hard work for me.

Q. Yes, it is; did anyone speak to you from the time you arrived in New York on the last occasion, did anyone speak to you about this item of \$500 in the book? A. Yes, Mr. Short and all my clerks, and I asked them about it.

Q. How did you come to ask them about it? A. I didn't ask them; they told me I was to be subpoenaed before the Lexow committee in relation to the police, and they had told me that you had asked for my books; I said, "What books;" they said, "We gave six or seven books, and they have kept only one," and that is the book that you have here.

Q. You said that there was some mention made of the item of \$500 by some one to you? A. We looked all over and they referred to this.

Q. Repeat that, please? A. We looked all over the books for the items and we referred to this one; they asked me what it was, what it meant.

Q. Who asked you that? A. It may be one of the clerks; I don't know; I can not tell you.

Q. Who was it that spoke to you; can't you remember who it was that spoke to you?

Witness.—(Addressing Mr. Short), did you speak to me about this. Mr. Short?

Mr. Short.— Yes.

Q. Well, it is Mr. Short; what did Mr. Short say to you? A. They said you are making an investigation and looking all over my books; I want to know what for.

Q. About this item of \$500, what did he say? A. He asked me what it meant.

Q. What did you tell him? A. That it was no business of his.

Q. Did you regard his inquiry as impertinent? A. No; he is too good a servant for that.

Q. Why did you refuse to tell him since he asked you in a friendly way? A. The head man has not to give any reason to his subordinates.

Q. But this was an exceptional circumstance, where this subordinate told you that you were likely to be examined before the investigating committee concerning it, and it was kind of him to mention this subject to you, was it not? A. Well, I took it kindly then.

Q. It being a kindly office on his part, why did you dismiss him so summarily? A. Because I don't like to give explanations to my subordinates.

Q. So far as other matters are concerned it is quite proper for a subordinate to go to you and ask you about certain matters? A. No, sir; not out of their department.

Q. Within what department was this item? A. It was my own, myself alone; it was a present, a gift.

Q. It was a present? A. A present that I have a right to give.

Q. A present? A. Not a present; presents.

Q. Presents that you had a right to give; will you say that there were five presents in that \$500? A. No, sir; several.

Q. Will you say 10? A. No, sir.

Q. Will you say there were 20 people got portion of the \$500? A. No, sir; I can not tell you because I don't remember.

Q. Will you say there were 100 people that got a portion of the \$500? A. No, sir.

Q. Will you limit it to 10? A. No.

Q. Will you limit it to five? A. Not even one; I can not remember.

Q. You won't say anything at all about it? A. Yes; if you please I would rather not.

Q. That is not the point; we must pursue this line of inquiry; will you say there was more than one person participated in that \$500 present? A. Yes; I swear to it.

Q. What? A. I swear to it that there were more than one.

Q. Will you swear that there were more than two? A. Yes; I swear there were more than two.

Q. Will you swear there were more than three? A. I swear it.

Q. Will you swear there were more than four? A. I swear there were several.

Q. Now we have got to four? A. I swear to four.

Q. Will you swear there were no more than four? A. I swear there were more than four.

Q. Will you swear to more than five? A. I swear to more than five.

Q. Will you swear there were no more than six? A. I swear to more than six.

Q. Will you swear to more than seven? A. That I can not do.

Q. Will you stop at seven? A. No; I don't stop; you push me pretty hard; I can not swear to more than seven; I can swear to seven.

Q. Tell us who the first person was of the seven? A. I don't remember.

Q. Tell us who the second person was? A. I don't know; I told the cashier to distribute it.

Q. You swear that you are absolutely positive to seven persons? A. No.

Q. Can't you give us the name of one of those seven persons? A. No; I don't remember.

Q. Can't you give us the occupation of one of those seven persons? A. No.

Q. Can't you tell us whether anyone of those seven persons was a man or a woman? A. Oh, they were all men.

Q. Now, we have got to that question; were they white or colored men? A. That I don't know.

Q. You can't say? A. No; I can not.

Q. Were there any colored men among the seven men to whom you gave these presents? A. There might be.

Q. What was he then, if there was a colored man among them? A. I didn't see him.

Q. What? A. I didn't see him.

Q. Then you don't know? A. No; because I intrusted someone to give it.

Q. But you have sworn there were other persons? A. Well, I say seven or more.

Q. You say you intrusted some one to give it; who was it you intrusted? A. My cashier.

Q. Where is he? A. I wish I knew; he run away with my cash.

Q. Was he the only one that you intrusted the money with? A. Yes sir.

Q. The only one? A. The only one to whom I gave orders to distribute that money.

Q. How do you know but he put that in his pocket? A. Well, he may.

Q. You can not swear that there were seven persons got the present? A. No; I intended it for the seven or more persons when I gave him the order.

Q. But you don't know that it reached them? A. No.

Q. Since you intended it for seven persons, can't you give us the name of one of the persons to whom you intended the present to go? A. I don't remember.

Q. You say they were men and they were white men? A. Because I have no dealings with ladies.

Q. If you gave it to him you gave it to him with instructions to give that money to certain persons, did you not? A. Yes; I did.

Q. You didn't give him \$500 and say to him, to your cashier "Go out and distribute those \$500 among whomever you please," did you? A. No.

Q. You gave him \$500 to be distributed among certain persons that had rendered the company service, isn't that it? A. Yes, sir.

Q. Now, give us the name of one person of the seven who had rendered the company service? A. Mr. Goff, it is so long ago that I don't remember.

Q. It is only three years ago? A. It is a long time.

Q. Your memory is clear about your giving the \$500 to the cashier? A. Because it is in the book.

Q. There is no mention of the cashier in the book? A. Well, that is not the real cash-book.

Q. Have you another book? A. Another, not here.

Q. Why did you put your hand in your pocket? A. Because I took a memorandum from the office to refresh my memory.

Q. Let us see that memorandum? A. I guess I haven't got it; I am afraid I haven't got it; but it is an exact copy of this.

Q. When did you last see it? A. An hour ago; just now.

Q. Just now? A. An hour ago.

Q. Before recess? A. Yes; I went to see if I could remember it.

Q. Where did you get it? A. In my office.

Q. What was it, a loose slip of paper? A. A bit of paper, yes.

Q. In whose handwriting? A. In one of the clerks; a copy of my own cash-book.

Q. A copy of your own cash-book? A. Yes, sir.

Q. Then you have a cash-book that shows the payment of a \$500, have you? A. Yes, sir.

Q. Who had charge of that cash-book? A. Well, you can get it on my private desk.

Q. Is there any one here with you that you can send down with one of your officers to your company? A. Any one you please.

Q. Will you please to write on a slip of paper your order? (Mr. Schatz was instructed to get the cash-book.)

Q. You say this cash-book shows the payment of the \$500, the item and to whom it was paid? A. No, sir.

Q. What does it show? A. Exactly what you have seen there.

Q. Is it only a copy of this? A. No; it is a copy of the other.

Q. Is there anything different in the other from what there is in this, if it is a copy? A. No.

Q. Then why did you go to it as a memorandum to refresh your memory? A. Because that was an old cash-book done away with for three years; and I told him to see what was in it.

Q. Did you take a memorandum or a copy from your cash-book? A. Yes; I took a copy, and I thought I put it in my pocket.

Q. Is that copy the same as in this book here? A. Exactly the same.

Q. So that it could not aid your memory any more than this book aids you? A. No, but I wanted to see if there was anything that would put me right with you.

Q. There is no mention of the party to whom the money was paid? A. No, sir.

Q. Or any other purpose than that expressed in this copy? A. No.

Q. Have you got it? A. No, or I would give it to you.

By the Chairman:

Q. Or the several sums that were paid out; it didn't specifically state the various sums that were paid out going to make

up this total of \$500? A. No, sir; when I give presents I don't take any receipts, and I don't want my people to know to whom I give money.

By Mr. Goff:

Q. Your cashier knew to whom you wanted it to be given?
A. Yes, sir.

Q. You remember telling him; you remember seven persons were named? A. I remember I told him to give so much to some people.

Q. Did you tell him divide it up in a particular manner, so much to this one and so much to that one? A. I must have done so at the time.

Q. Since your memory serves you that you can identify the number as seven, and that you can not say that certain amounts were mentioned, doesn't your memory serve you as to the names of those persons? A. No, sir.

Q. Your memory fails you right at that point? A. At that point.

Q. Do you think that you are impressing the Senate committee with the truth of your testimony on that point? A. Well, I will leave it to the gentlemen.

Q. And leave it without any further comment on your part?
A. Not at all, sir.

Q. You are willing to go on record as simply forgetting everything when it comes to the point of the persons to whom it was paid? A. Yes, sir.

Q. And you maintain that position and you will maintain it?
A. I maintain it.

Q. You insist on it? A. So far as to-day.

Q. Do you think your mind would alter? A. It might one day, if I can remember.

Q. Do you know of any circumstances that would refresh your memory? A. Not just now.

Q. Do you know of any that could help you to refresh your memory? A. Not one.

Q. When you say not just now, do you mean that you so arranged your mind that you will not think of any one just now?
A. No, I don't say so; if I could think I would say so at once.

Q. Is that your intent? A. If I can remember the people I will give you the list.

Q. You are a gentleman of education; you know the power of the will over the memory, do you not? A. Well, Mr. Goff, when a man has been three hours on the stand his memory is pretty short.

Q. But I have been trying to help your memory all these hours? A. You must think that there is no illwill in my mind about this; I fully appreciate the grand object you are pushing now, and I assure you that I would help you as far as I could: but now it is not by bad will that I don't give you all the points you want. ?

Q. The only thing remarkable about it is that a man of your intelligence, and of your position should fail in his memory on a most important transaction? A. Well, Mr. Goff, I will write to my people; when I spend money to some one I give an account of it; I will write to my people to send me back the expenses, making up that \$500, because I am amenable to the directors, and when I get the letter I will give it to you.

Q. I take it that in addition to sending your company these statements from which the copies are taken, that you also send them a letter of advice as to the particular purpose of the money? A. Yes, sir.

Q. Now, did you not take a copy of that letter of advice that you sent? A. No, sir; those are private letters; the copies may be found.

Q. I am speaking of the letter of advice accompanying this statement? A. No, sir; that is private letters.

Q. You remember sending them a letter of the expenses? A. I don't know what I did in this case, but I believe I must have written about it.

Q. Of course, it is not usual that you would use \$500 of the company's money in giving presents; that is not the usual transaction? A. We give presents all the year around.

Q. It is not as usual as the shipping and invoices, etc.? A. There is more than \$1,000 spent in charities.

Q. You say this book does not show any entry different to the one in question of \$500, having been given for gratuities or presents, as you call it; now, this book covers from November, 1891, to January, 1892; November, December, January; that is three months; now, during those three months there is not an entry in this book of a single expenditure on your behalf, by you of \$500; therefore, it must have been exceptional for three

months at least? A. This was given on the 31st of December; it is customary, in France, to give presents on New Year's eve; so you will not find it again.

Q. That generally occurs once a year? A. Yes, sir.

Q. Therefore, you sent a letter to your people in France, giving to them the particulars of why you disbursed those \$500?

A. I am not quite sure, but, most likely, I would have done so, and I am going to write them again to send me a copy, because I couldn't find a copy of that letter.

Q. Haven't you a private letter-book in which you make copies of all communications you addressed to your directors? A. No, sir.

Q. Have you a general letter-book? A. There are some general letter-books; yes.

Q. If you should have sent such a private letter, who would have written it? A. Myself.

Q. Do you not keep copies of communications between yourself and your directors? A. Sometimes I keep it in a memorandum.

Q. Do you know that you made any memoranda concerning the communication that you sent or may have sent to your directors touching this expenditure? A. I can not tell you now, sir.

Q. Do you keep your memoranda in a book or in a paper, or how? A. Sometimes I keep them for a while and I destroy them afterward.

Q. Will you be good enough to write immediately? A. I will do so.

Q. Will you send me a copy of the letter that you write? A. I will do so.

Q. Let me know, as soon as possible, when you receive an answer? A. The answer can not come before three weeks, four weeks from to-day, about; from yesterday, four weeks.

By Chairman Lexow:

Q. Why can not you cable it? A. Oh, the expenses are too much; I can not explain in the cable.

Q. I think the committee may be able to help you to a cablegram; do you know the date of the letter? A. No; I do not, sir.

Q. Did you pay the entire \$500 over to your cashier, in one sum? A. My cashier took it out of the cash; yea.

Q. The whole \$500? A. Yes, sir.

Q. You then told him in what way to distribute it? A. Yes, sir.

Q. And your present recollection is that you told him to distribute it among seven precincts? A. Seven or more.

Q. When you told him that, did you name to him the persons to whom the money was to be given? A. Yes, sir; I must have given him the names.

Q. And your recollection is that you gave him seven names or more? A. Seven or more.

Q. Was that a conversation, or did you hand him a memorandum containing the names to whom the money was to be distributed? A. I must have given him a list, or he must have taken a list under my dictation.

Q. Do you remember when you made this list? A. It was on the same day.

Q. Who made to you the suggestions according to which you put those names on the list? A. Well, this is the custom of the French line to give presents —

Q. What occurred on that day that induced you to write, or to give seven, at least, distinct names to your cashier? A. Well, the occasion, the time.

Q. You remembered, did you, on that day, the names of seven persons to whom you proposed to pay gratuities out of the \$500?

A. No, sir; I remember giving him a list of names, but I don't remember the names.

Q. Do you remember when you got up the list? A. It must be on the same day.

Q. Now, therefore, on that day you had impressed upon your mind the names of at least seven people to whom you were going to give gratuities out of that \$500? A. Yes.

Q. Can't you remember a single one of these seven names now? A. No, sir; I can not.

Q. Who made to you the suggestion? A. It is the custom —

Q. That caused you to put those seven names down on that list; who made that suggestion? A. It is the custom of the French line to give presents.

Q. But what was the difference in the circumstances that surrounded you then, and that surround you to-day, that enabled you to then remember seven names and put them on a list, and to-day, forget every one of them? A. Mr. Chairman, it is not seven; it may be seven or more.

Q. Well, more makes it worse? A. I don't remember the names.

Q. Did anybody suggest a name to you? A. No; no one suggested a name.

Q. Then all those seven names were your own individual action, without suggestion? A. That is it.

Q. It was? A. I think so.

Q. Do you mean to say that you without a suggestion from anybody on that day, remembered seven different names to whom you wished to give presents, and to-day you can not remember one? A. No; when I make a present somebody asked me for it in most cases.

Q. Do you remember seeing anyone of those seven people on that day? A. Not just now; no.

Q. Do you remember whether anyone of those seven people were on your wharf on that day? A. No; I can not tell you that.

Q. Do you remember speaking with anyone of those seven people? A. Oh, I must have spoken to them.

Q. On that day? A. On that day I must have spoken to them.

Q. Therefore, you came in contact with all those seven people on that day? A. No; I don't say so.

By Mr. Goff:

Q. How did the cashier get the money? A. Oh, we have plenty of cash always; passage money is always paid in ready cash.

Q. You bank every day, do you not? A. Yes, sir.

Q. Your cashier will have to show on his daily returns the amount of money he received and the amount of money he banked, will he not? A. Oh; yes, sir.

Q. On that day, on the 31st of December, he had a book that would show how much money was received, did he not? A. Yes.

Q. You have that book now? A. Yes.

Q. He had a book that would show how much money was expended? A. Same book.

Q. And the same book would show how much money was deposited in bank? A. Yes, sir.

Q. Have you ever looked at that book? A. Yes.

Q. Is that the book you speak of? A. Yes.

Q. That is the exact copy of this? A. No; this is the copy of the other.

Q. A copy of a book? A. Yes.

By the Chairman:

Q. The other book is the book of original entries? A. Yes, sir.

By Mr. Goff:

Q. Did you take no precaution whatever to inquire whether or no your cashier paid out this money as requested? A. No; I trusted him.

Q. Now, to follow up the Chairman's inquiry, you must have had seven or more persons in mind when you told him to distribute these \$500? A. Certainly.

Q. Did you direct him to divide it in equal parts among all the persons of whom you gave a list to him? A. That I don't remember, Mr. Goff.

Q. Did you tell him to give anyone of the seven or more, more than another? A. Oh, yes, sir.

Q. Which one did you tell him to give more than another? A. That I don't remember now.

Q. Who was he that you told him to give more than another? A. Well, I gave him a list of names.

Q. But what was the man; what business was he in, to whom you told him to give more money than to the other? A. That I don't remember, the man.

Q. Was he connected with the company? A. No.

Q. How is it that you remember that you told him to give this one man more than the other? A. Because I gave him a list of names.

Q. When you marked off the list did you mark off opposite each name the sum of money that he should give to each man? A. Yes, sir.

Q. Was that in your handwriting? A. I don't know; I may have dictated it.

Q. You dictated it, and it was written out according to your orders? A. Yes, sir; on a slip of paper.

Q. Can't you tell us the man, or his business, that was to get the largest amount? A. No; I can not remember.

Q. Can't you tell us the amount that was to be given to him as the largest amount? A. No; I can not remember that either.

Q. Do you know who it was that was to get the smallest amount? A. No.

Q. Was he a coal heaver? A. No.

Q. Was he a car driver? A. I don't remember.

Q. Can't you give us any indication at all? A. No.

Q. Was he an immigrant-house runner? A. No.

Q. You are sure it was not an immigrant-house runner?
A. No; I don't do business with them.

Q. Who had been doing any watching upon your wharf during the year 1891? A. I beg your pardon?

Q. Who had been doing and watching or surveillance? A. I don't know; I left it to Mr. West; I didn't come in contact with people on the wharf.

Q. Mr. West says that no presents went through his hands for distribution among the men who were watching; now, then, how is it, if you leave everything to Mr. West, that you interfered in his department to give money to men in his department? A. Well, I am the manager.

Q. But you said just now that you never interfered in his department? A. I interfere so far as I give him directions to follow; but when it suits the interests of the company, or my convenience, I don't consult Mr. West, or the other head men in the departments.

Q. Do you think you were likely to go over Mr. West's head in his department for the purpose of distributing a small sum of money among a number of men; was that of sufficient importance to cause you to go over his head and cause you to do what you thought proper? A. Certainly.

Q. Of sufficient importance? A. No; I decided that I should do so and I would do so.

Q. From whom did you get those names that you gave to your cashier? A. I don't know; it might be some private application for all I know.

Q. Some private application? A. Some private application from some people.

Q. What people? A. I don't know; I don't remember.

By Senator Bradley:

Q. What business was Mr. Wolf in; what was on his card?
A. Nothing only his name.

Q. You don't remember his Christian name? A. No; Wolf, that is all.

By Mr. Goff:

Q. Will you be good enough to sit down here and write a cable dispatch, and will you send it to your people; just make

yourself comfortable; write a cable dispatch to your people in Paris or in Havre, and we will attend to the forwarding of it.

Chairman Lexow.—Asking them to send by next steamer the letters informing them of the nature of the disbursements made by you. Don't spare the money. We will pay for the cablegram.

Q What cable do you generally use, the Commercial or Atlantic? A. It does not matter to me; it is the French cable; Mr. Goff, I can not send it; I will tell you why?

Q. Why? A. Because this cable is opened in the general way of opening letters and cables by some clerks, and as this is a private matter, if I have written, I must have written to some one on the private letter; and, of course, I don't want the regular clerks who open generally the letters and cables to know all about this.

Chairman Lexow.—Mr. Forget, everybody in your business will know of the transactions that have occurred before this committee to-day, and nothing that you can inform them by cable is going to open their eyes any wider than they are already opened.

Witness.—Well, Mr. Chairman, they will know all about it—

Chairman Lexow.—Your testimony will be an open book to them to-morrow morning through the papers.

Witness.—Mr. Goff, I have promised to show you the letter I will write by the next mail, and I promise to give you the answer.

Chairman Lexow.—They will know it from the newspaper reports of these proceedings that you have been requested to send that cable. They will know it to-morrow morning.

Witness.—I can not do it, because we have a private cable between ourselves.

By Mr. Goff:

Q. Have you a cipher? A. Yes; you know me; you can judge by me that I am not a pettifogging man.

Q. Even in writing that letter your memory might fail to put in the exact request? A. No; not when I write.

Q. And you think your memory will sustain you? A. When I put it in black and white.

Q. Is there any other objection you have for sending this cablegram? A. I will tell you why I can not send it.

Q. Is there any objection you have to sending this cable other than that you have stated? A. No, sir; not in the least.

Q. That is, that you do not wish a clerk or a subordinate in the main office to see this private letter? A. That is it.

Q. But the clerks will read this private matter to-morrow morning? A. No, he won't.

Q. Why? A. Oh, this in the paper; I don't mind what he will read.

Q. You don't mind what he will read in the newspaper? A. No.

Q. But he will read that you have been asked to send this cable? A. I have offered to write a letter and give you a copy of my letter, and also to give you the answer from the French line.

Q. Will you give us your solemn sworn assurance that you will not write any letter or send any cable but the one of which you will me a copy? A. I give you my word.

Q. Under your oath? A. Under my oath.

By Chairman Lexow:

Q. Or send any cable in cipher or otherwise descriptive of the conditions here? A. Just so, I swear to it.

By Mr. Goff:

Q. Is there not a petty cash book? A. No, there is a cash book for Mr. West for the small expenses, but that does not exceed \$50 in cash; the other is the general cash, the money collected during the day and sent to the bank the day after.

Q. When this man Wolf went to you at the Hotel Martin and asked you to give a good character to Captain Schmittberger how did you know then that you were expected to give a good character to Captain Schmittberger? A. Because I would be subpoenaed.

Q. But the subpoena was silent on that subject? A. It mentions in the paragraph the police of New York.

Q. But Captain Schmittberger's name is not mentioned in the subpoena? A. No.

Q. Then why did you let this man Wolf talk about Captain Schmittberger since there was no mention of his name on the subject? A. Because Captain Schmittberger felt guilty; I don't know.

Q. He felt guilty? A. I don't know; if he sends a friend to recall his good work as on my pier, he must have something on his conscience.

Q. Have you any suspicion of what he had on his conscience? A. No, sir.

Q. Then why do you make the insinuation that Captain Schmittberger had something on his conscience? A. Because he sent a man to speak on his behalf.

Q. Then you know that as a circumstance that Captain Schmittberger knew you had in your possession some knowledge that would show guilt on his part? A. No, he may have sent to all the witnesses; that much I know.

Q. Have you reason to believe that he had sent to all the witnesses? A. No.

Q. Why would he send to all the companies? A. I don't know that he did.

Q. Was he guilty in connection with all the companies? A. Mr. Goff, Mr. West and Mr. Short told you that all the companies were in the habit of giving \$10 a week to all the police, and the sergeant told you that he had to divide according to what I heard; therefore, this is bad enough for a captain, or it may be on his conscience that he didn't want this to be known.

Q. You have stated that you didn't pay this money? A. No.

Q. Then how did Captain Schmittberger consider you as a dangerous element to him? A. Because I am a head man.

Q. Was there no other reason whatever except the payment of this \$10 a week in your opinion? A. Not what I know of.

Q. Did Mr. Wolf talk about that \$10 a week? A. No, simply to give him a good character, to recollect that he did me some good service about some robbery that occurred on one of our steamers.

Q. That he did you some good service in relation to some robbery? A. Yes, sir.

Q. When was that robbery? A. Sometime during his time a passenger went on board, and one of the pickpockets took his satchel, and we reported to Captain Schmittberger, and he came to me and got all the particulars and he thought he would catch the thief; I saw the captain, and really for several days he did good work.

Q. And you expressed to him your gratitude for the good work? A. Yes, sir.

Q. Didn't you think that for that good work, etc., that he did for the company, that he desired a little tribute or gratuity? A. No, sir.

Q. Why? A. I didn't think so at the time.

Q. You have stated that the French company was in the habit of making tributes of gratitude to those that rendered services? A. That is, only \$10 to a policeman, but we can not afford \$10 to a captain.

Q. That is too small to a captain? A. I would never dare to give \$10 to a captain, but when we came to the sum of \$500, that would be a respectable sum; I don't remember about that; I think that is too much.

Q. You think it would be too much? A. I think so.

By Chairman Lexow:

Q. Is that the reason why it was divided among seven? A. No, sir; I don't speak about seven policemen or seven captains.

By Mr. Goff:

Q. Will you swear that none of the seven persons whose names you gave to the cashier to distribute this money among, was a policeman? A. I don't remember.

Q. Will you swear that none of them was a policeman? A. I won't swear; I don't remember.

Q. Then they may have been policemen? A. I don't know.

Q. Have you made up your mind to stop right there, that the moment it comes to the identity of the person or persons who received that \$500, or any part of it, you stop right there and say you don't remember; have you made up your mind to that? A. No.

Q. You have been examined quite at length to-day, and I regret very much that we should feel it necessary to place a gentleman in your position, under such a lengthy examination on this point of your memory touching the identity of the person or persons who received this money; now, I ask you finally, after all that has passed here on this witness stand under oath, if you can, on your conscience, recognizing the obligations of an oath, upon that conscience and recognizing a God above you, as I believe you do, will you swear that you don't know to whom that \$500 was given? A. Mr. Goff —

Q. Answer my question, please; will you swear? A. No. I won't swear; Mr. Goff, am I—

Q. That is all; I will excuse you for to-day, Mr. Forget; we will request you to come here to-morrow morning, after you have had a night's rest? A. All right, sir.

By Chairman Lexow:

Q. You understand that you are still under the subpoena of this committee? A. Yes, sir.

Q. And that you must not speak with anybody in reference to the testimony that you give here? A. Yes, sir.

William F. Hobbie, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. I am in the mercantile business; banker and in the mercantile importing line.

Q. Are you connected in business with the firm of the late Governor Edward D. Morgan? A. I am.

Q. And the place is in Broad street? A. Well, the office is in Exchange Place.

Q. I wish you would relate, as briefly as you can, to the committee, an experience that you had on your way home three weeks ago last Thursday night? A. Well, I left the office with the intention of taking the 8:30 train; opposite the Stock Exchange I caught up with a sort of chowder party, or procession of some kind; I didn't pay any particular attention; accompanied by a band of music; I stepped to one side, and as I did so to allow the crowd to go by, I was surrounded by a lot of hoodlums, one of which snatched my chain, and I supposed that my chain and watch was gone; the chain, I thought, it dropped alongside of me; afterward I found it inside of my vest when I got to my home; the watch fell to the ground, and the party that grabbed the watch went into the crowd out of sight; he was a boy, I should judge, not over 15 years of age; judging, of course, it was so quickly done; well, I thought the boy had my watch, and I reached for him, but instead of that it dropped at my side; and as I turned to rush in the crowd, I saw a hand come out and take up something which, I supposed at the time, was my chain; but, as I remarked before, when I got home I

found my chain; so, of course, I knew it was my watch; I had two or three packages in my hand, one of which I dropped, and one of these young men took the package and started off with it; but I secured the package again; I went back to the office and stayed there a few moments; I took my train; I knew that nothing could be done in the way of advertising that night; after I got home I found that the force of the movement on this party's part had swung my chain along inside of my vest and it lodged on the top of my waistcoat; since that time I have heard nothing.

Q. Were any police in sight? A. Well, I couldn't tell; it was dark; it was quarter-past 8, and, of course, that thing came on me so suddenly that I was not looking for policemen; for the moment I was completely staggered; I was nonplussed; used up; and my only idea at the moment was, after I had had this experience, to go away from there; they were running around me like so many mad ants, in and out; a preconcerted arrangement.

By Chairman Lexow:

Q. What was there about it that indicated to you that it was a preconcerted plan? A. I don't know; the watch was gone; and this fellow picked it up; and then my bundle; and after reading the papers, and having this sad experience of my own, the papers told me how these things had happened afterward; and I thought from that that they must have acted in harmony.

Q. Was this gang in front of the procession? A. No; they were on the sidewalk; following along with it; they took up the entire sidewalk.

By Senator Bradley:

Q. How did you recover the bundle? A. Why, I knocked the fellow head over heels and picked the bundle up; the fellow had it in his hands; and I couldn't grab him, and I hit him as hard as I could; he dropped the bundle and I picked it up.

John Corsoran, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your height? A. Six feet one and one-half inches.

Q. What is your weight? A. Two hundred and thirty-five pounds.

Q. Where is the rest of that club (club shown witness)?
A. I have got it home.

Q. How did your club come to be broken? A. I was arresting a prisoner who is here now.

Q. This is your club; there is No. 35 on it? A. Yes, sir; that is my club.

Q. How did it come to be broken? A. I will tell you; I was arresting a man Saturday night, Peter Quinn; he lives in Thirty-fifth street, 322; he had given me considerable trouble on the way up; when he got opposite his own house he stopped in front of the railing, stopped in front of the door, and he called for his brother to come down and release him, calling me vile and abusive names and calling for his brother; he grabbed the railing and I wanted to give him a scare or a bluff, and I hauled out the club and hit the railing alongside of where he was and smashed the club in two.

Q. That is the only time you used the club? A. That is the only time I used the club that night.

Q. At the time you took out your club in order to give him a bluff, you struck the railing and broke the club? A. No; I carried the club from the corner of Thirty-fifth street and First avenue.

Q. You say in order to give him a bluff you struck the railing? A. He held the railing opposite the door, along the stoop line, calling for the brother to come down and "release me from this dirty big son-of-a-bitch."

Q. Did the brother come down? A. The brother came down afterward.

Q. After you had broken the club? A. Yes, sir.

Q. So that at the time you broke the club you had no one to deal with but this prisoner? A. No, sir.

Q. He was your prisoner? A. Yes, sir.

Q. Under your protection? A. Yes, sir.

Q. As a police officer? A. Yes, sir.

Q. How many police officers were there there? A. None but me at the time.

Q. How soon after were you assisted by your brother officers?
A. Well, I blowed my whistle; it was a long time; it seemed to me to be five or six minutes, or probably more.

Q. Why did you blow your whistle? A. For assistance.

Q. Why did you need assistance? A. There were a crowd of probably 500 people around there, who were using threats to let the prisoner go up to his house, and more were hollering "take him away from here."

Q. Where was this? A. Three hundred and twenty-two East Thirty-fifth street.

Q. You mean to say that a crowd of people gathered in the streets of New York? A. Yes, sir.

Q. And without any cause at all called upon you to let the prisoner go? A. Yes, sir.

Q. You had done nothing at that time, had you? A. What do you mean? I had a prisoner under arrest at the time.

Q. You had done nothing to the prisoner? A. No, sir; I was taking him to the station-house.

Q. Merely because you had this prisoner under arrest and were taking him to the station-house a mob of about 500 gathered around you, and told you to let him go? A. There might be more and may be less.

Q. Is it a fact that you had used this bluff of yours in breaking the club over the iron railing and that that attracted a crowd? A. The hollering of the prisoner helped to attract.

Q. What did he holler for? A. For assistance.

Q. What for? A. To up into his own house.

Q. His own house? A. Yes; where he lived.

Q. You mean to say that this man hollered for assistance? A. Yes, sir; he was abusive from the time I placed him under arrest.

Q. How many officers came to your assistance? A. Afterward two.

Q. Were there not four altogether, besides yourself? A. I guess there may be four before I got to the station-house.

Q. Officer, step down here, please; stand alongside of this man. (The witness so did, and stood alongside of Peter Edward Quinn.) This is the man that you arrested? A. Yes, sir.

Q. Look at his face? A. Yes, sir.

Q. Look at his clothing? A. Yes, sir.

Q. Do you know the cause of the condition of that man's face and his clothing? A. Not his face, but I do his clothing.

Q. You know how he came by those bruises on his face; cuts? A. No, sir; I didn't give them to him.

Q. Did your club? A. No, sir; I never struck the man with a club in my life.

Q. Did you ever strike any man with a club? A. Not to hurt him.

Q. Are you not known as the "man killer" around that neighborhood? A. No, sir.

Q. Did you ever hear yourself called as the man killer? A. No, sir.

Q. This is the first time? A. Yes, sir; the first time I was known as the man killer.

Q. The first time you were ever called the man killer? A. Yes, sir.

Q. That is just as true as everything else you have stated about this clothing? A. Yes, sir; on my solemn oath, I will say that.

Q. Have you ever been tried for clubbing? A. Never been before the commissioners in my life for any cause, except on three complaints.

Q. Only three complaints? A. Not for clubbing, though.

Q. What were your three complaints? A. My first complaint was for not reporting a dead cat; my second complaint was, being caught in second-handed store, and the third complaint was being caught sitting on a coal box during my last tour.

Q. What was done? A. I was fined half a day's pay on each.

Q. You took the stand in your own defense each time? A. Yes, sir.

Q. You swore that you did report the dead cat? A. No, sir.

Q. You denied that you failed to report the dead cat? A. I denied that I saw it.

Q. You denied that you sat on the coal box? A. I said I was fixing my suspender.

Q. What was the other complaint? A. The other complaint was caught inside a second-hand store.

Q. Did you admit that? A. Yes, sir.

Q. There was no dispute about that at all? A. No, sir.

Q. Didn't you break that club over that man's face? A. On my solemn oath, I didn't.

Q. You never struck him? A. I never struck the man with a club in my life.

Q. Can you account for this man's condition? A. No, sir; I didn't strike him to make him bleed.

Q. Did he come by those wounds while in your custody? A. No, sir.

Q. Had he these wounds when you arrested him? A. He might have had some of them.

Q. Did you notice them? A. He was in a funny predicament, anyhow.

Q. Was he covered with blood when you arrested him? A. No, sir; not that I seen; it was the night time, at 12 o'clock; he was full and covered with dirt.

Q. When you brought him to the station-house was he bleeding? A. I didn't notice.

Q. Could he have been bleeding from wounds and you not notice him at the station-house when you arraigned him at the desk? A. I didn't notice none of them; nor on Sunday morning.

Q. I ask you, when you arraigned him before the sergeant at the desk, on Saturday night, did you notice whether he was covered with blood or not? A. There was blood around his mouth.

Q. What caused the blood to flow from around his mouth? A. I don't know.

Q. Of course, you were innocent of anything? A. I was innocent of striking him.

Q. You handled him gently? A. Well, I couldn't handle a drunken man very gently that was pulling me around.

Q. Of course, a giant like this, taking hold of such a delicate little fellow as you, you had a little difficulty? A. Well, to tell the truth, that is about as strong a small man as I got hold of since I have been on the police.

Q. He is a small man? A. Yes; but he is strong; has a powerful muscle.

Peter Edward Quinn, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Quinn, stand up; how high are you? A. I must be around five feet; four feet nine, or something like that.

Q. Have you ever had yourself measured? A. Yes, sir.

Q. What was the measurement? A. I have forgot it, it is so long since I was measured.

Q. Do you know how heavy you are? A. I guess I must be around 115 or 120 pounds.

Q. And about five feet, or so, is that it? A. Yes, sir.

Q. Under five feet and about 115 pounds weight? A. Yes.

Q. I show you this remnant; do you know what it is? A. Yes, sir.

Q. Have you made acquaintance with the other end of this? A. I couldn't say.

Q. Have you felt the weight of the other end of this? A. Well, I believe I have.

Q. What became of the other end of this? A. I couldn't say.

Q. What caused the break? A. As far as I understand, when I came to my own door I asked the officer to let me see my brother before I went up to the station-house, so that he would know where I was.

Q. You are under arrest now? A. Yes, sir.

Q. Don't be afraid, tell the truth here? A. So I would have a chance to get out on bail if I could; I was never arrested only once, and I was fined \$5; seems the officer refused me; and I got my hand on the railing, as far as I can understand, and he must have either hit my hand or hit the railing, I couldn't say which; but there is a mark there on the knuckle.

Q. How did you get the wounds on your face? A. Well, I got punched on the face in the station-house.

Q. Who punched you? A. The same man.

Q. In the station-house? A. In the station-house.

Q. How many officers took you to the station-house? A. I couldn't say.

Q. More than one? A. I couldn't say, sir; I don't know, I am sure.

Q. Were you drunk? A. Yes, sir; I was drunk.

Q. Do you remember when you were punched? A. Yes; I just remember when I was punched.

Q. When the officer arrested you did you have any of the wounds that you now have on your face? A. No; not as I know of.

Q. Where in the station-house were you beaten? A. Well, I was beaten at the desk.

Q. Did more than one officer beat you? A. No; not as I know of.

Q. Only the one that arrested you? A. Only the one officer.

Q. What did he beat you for? A. When he was making the charge I said something to him, and he said, "Shut up," and he punched me in the face; all this row of teeth on this side is loose.

Q. Your teeth are loose there? A. Yes, sir.

Q. Did he strike you after that? A. No, I don't believe he did.

Q. Did he strike you more than once? A. No, only the once that I know.

Q. You have wounds upon your nose and wounds upon your lip and wounds upon your cheek, and you say your teeth are loosened? A. Yes, sir.

Q. Were you beaten in any other place except the station-house? A. No, sir; I was not.

Q. And beaten by a policeman? A. Yes, sir.

Q. And that policeman on the stand? A. Yes, I believe I was hit in Thirty-fourth street by another policeman that sent me home, and I was on my way coming home when this Mr. Corcoran got hold of me.

James Joseph Clifford, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? A. Three hundred and forty-one East Three Hundred and Fifty-fifth street.

Q. What is your business? A. Sawyer.

Q. Do you work every day at your trade? A. I work every day, and if I don't work I am around the place where I am working.

Q. Were you ever arrested? A. Never until I was arrested Saturday night.

Q. Never charged with any crime? A. Never charged with any crime; never went into the station-house with any crime, except about two weeks ago there was a party stole some mats and I saw the mats missing out of the hallway and I saw the party going along the avenue with the mats, and I told the agent, and I went up with a policeman to the station-house.

Q. Who do you work for? A. L. K. Irving.

Q. Were you arrested last Saturday night? A. Yes, sir.

Q. How did you come to be arrested? A. I was standing opposite 319 East Thirty-fifth street and I heard hollering outside, and they were opposite a boys' lodging house when I went over, and there were four policemen at this young man.

Q. This witness who just left the stand? A. Yes, sir.

Q. Quinn? A. Quinn; and I went over and I said, "It is a shame."

Q. What were they doing? A. They were pulling him and punching him all the way up to the station-house, pulling him, dragging him, and his sister and I was talking to, and she hollered for God's sake to let him alone.

Q His sister did? A. His sister-in-law; so I went over and I said, "It is a shame to be hitting him like that"; they said, "Go away or we will hit you;" I said, "No you wont," and he walked away and he came back and he punched him, and I stood there; this officer hit me, and it didn't make my face so bad then.

Q. Was it the same officer struck you? A. No, another officer; I gave the number 480; he came back and he punched me and he went away; then this Peter Quinn's brother came over to me and a friend of mine and he said, "Do you know if I could get anybody to go his bonds?" I said, "You go up and see the sergeant and see what the charge is"; we went up and saw the sergeant, and the policeman came along after putting him in a cell and clouted me.

Q. Struck you again? A. Yes, sir; and had my face so that I couldn't eat anything; when I was going up to the station-house, there were two policemen with this other man, and they were in front of me and I was behind them, and they turned around and kicked me; so when I got up to the station-house before the sergeant, I looked at this officer's number; Haver-meyer, I believe. his name is; I said, "I will see you about this;" two roundsmen behind the desk said, "There is plenty of room there to give them more;" but I didn't get hit; then we were going down into the cell and another policeman standing there said, "Don't hit them;" so we didn't get hit going into the cell.

Q. Was anyone trying to hit you when the man standing at the cell said, "Don't hit him?" A. There was a man ahead of me; it was the voice I heard; no one was trying to hit me going into the cell, unless they were trying to hit the man that was ahead.

Q. What charge did they make against you at the station-house? A. They made the charge of being drunk and trying to rescue a prisoner.

By Senator Bradley:

Q. Had you been drinking anything? A. No, sir.

Q. Had you drank anything that night? A. I had a couple glasses of beer in me, but I was not drunk.

By Mr. Goff:

Q. Were you in any way under the influence of liquor? A. No, sir; I was not.

Mr. Goff.—This is the entry: "James Clifford, 23, white; residence, 341 East Thirty-fifth street; intoxication and disorderly conduct; officer, Thomas Crayon; acting in a disorderly manner, causing a crowd to collect and trying to fight with the officer."

Q. Did you cause a crowd to collect and try to fight with the officer? A. No, sir; if I caused a crowd to collect when I started in first, why didn't this officer, when he hit me, first make a prisoner of me then; when I got up in the middle of the block he then came down and punched me and had my jaw like that (indicating), and made a prisoner of me.

Q. You were on the way to the station-house? A. I was on the way to the station-house to see what the charge was, and then going across the way to get a man to go his bail.

By Chairman Lexow:

Q. Did you know this man Quinn? A. Yes, sir; I know him from working with him.

Q. Are you a friend of his? A. Yes, sir; me and him worked in the same place.

By Mr. Goff:

Q. Was your clothing torn? A. Yes; but not very much.

Q. I see you were discharged next morning by the police magistrate? A. I was discharged before Judge McMahon.

Q. Did you ever hear this man Corcoran called by any name in the neighborhood? A. The only name I heard him called was "The Lily."

Mr. Goff.—Mr. Chairman and gentlemen, the lily is a specimen flower that is bred in the garden of New York, at a great expense to the taxpayers, and if the horticulture be not changed, I think the lily will turn into a dragon lily before we get through with it.

Chairman Lexow.—It may be a tiger lily.

By Chairman Lexow:

Q. Did you see this man Quinn struggling or fighting with the officer at the time? A. Yes, sir; that is why I went over.

Q. Did you see Quinn fighting the officer at the time? A. See Quinn fighting?

Q. Yes; was Quinn fighting? A. No, sir; he was not able to fight him; there were too many around to fight him.

Q. Was he trying to fight him? A. No, sir; when they called for assistance he was right opposite his door, and he called for his brother Jimmy; that was the young man that followed him.

By Senator Bradley:

Q. Did you see that club used at all? A. No, sir; I didn't see the club used; I didn't see the club break, but I seen him getting clubbed, drawing up, and I got clubbed myself.

By Chairman Lexow:

Q. Did you see the club used on Quinn; did you see the officer using his club on Quinn? A. Yes, sir; I see the officer using his club on Quinn.

Q. What was Quinn doing? A. All he could do was to be dragged right up.

Q. He was not struggling or attempting to defend himself, or anything of that kind? A. No, sir.

By Senator Bradley:

Q. The officers had hold of him on each side? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean to say that it took four officers, the biggest one being six foot two, to take him to the station-house? A. It took them all to take him to the station-house, and when they came down they went for me, and they kicked me; there is a big lump there.

Q. Were any of you trying to pull Quinn away from the officer? A. No, sir; I went to the officer and said, don't hit him and he will go quietly.

Mr. Goff.—Mr. Chairman, I will present to you a remnant of this club as a memento, so that when you go up to Albany, you can exhibit it as an object lesson. I trust you will take it with the compliments of "The Lily."

Senator Bradley.—Wouldn't it be well to have it put in a glass case, Mr. Goff.

Mr. Goff.—We will see when we get to Albany, although I think it is transparent enough and will not need any case.

James Hughes, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? **A.** At Van Courtland.

Q. That is in the annexed district? **A.** Yes, sir.

Q. What is your business? **A.** I have been in the liquor business; now I am not; I am teaming.

Q. You are aware, of course, that while under oath you are compelled to answer all proper questions that may be put to you? **A.** Yes, sir.

Q. And that, so far as any testimony that may be given here concerning the transaction complained of in the resolutions appointing this committee, you are protected from prosecution, you understand that? **A.** I understand that.

Q. Now, I want to ask you about a little incident that took place up in Riverdale a little while ago, a little dog-fight that took place there; do you remember that dog-fight that took place at Mrs. McDonalds? **A.** I do.

Q. You had a little money on one of the pups? **A.** I didn't see it.

Q. But you had some money on one of the pups? **A.** On one side I did.

Q. How did you come out? **A.** It didn't come off.

Q. The fight didn't come off? **A.** No, sir.

Q. Why? **A.** It was interfered with by the police.

Q. Who interfered; what policeman? **A.** Well, there were different policemen.

Q. In other words, there was a raid made there? **A.** There was a raid; 19 arrested.

Q. Had you any knowledge about that fight before it came off; before it was to come off? **A.** I didn't; no, sir.

Q. Did you know anything at all about it? **A.** No, sir; not the first thing.

Q. Did you have any relations or any transactions with any of the policemen? **A.** I didn't.

Q. Concerning that fight? **A.** No, sir.

Q. Didn't you have some talk with Roundsman Weise regarding it? **A.** I didn't.

Q. Did you say anything to him at all about it? A. No, sir.

Q. Did you make any charge against Policeman Weise? A. I did.

Q. What was the charge? A. Of accepting money to allow the fight to go on.

Q. Did he get the money from you? A. Well, it was so dark, I suppose he got it; I don't know.

Q. Explain to us the transaction; how did it become dark? A. Well, it was at night time; it was in the neighborhood of about 9 o'clock. I should think; I was keeping a place at that time, and the people were all there to fight the dogs, of course; and this Mr. Weise was a stranger to me at that time.

Q. Roundsman? A. Roundsman; I didn't know who the man was.

Q. Was he in citizen's clothes? A. No, sir; he was in uniform; when the policemen were looking around for these people, why the man — he is dead as the present time, Mr. Martin — instructed me to give this policeman a bribe of \$5, to see if he could get everything right and have the fight off, and not be followed to where they were going; and I went out and I suppose I gave that money to Mr. Weise; I didn't know his name at that time.

Q. Did you give the money to the man? A. He was on horseback and I handed it up.

Q. The bill left your hand? A. I let go the bill, anyhow.

Q. And something caught hold of the bill on the other side? A. It disappeared from me; of course; I let it go as soon as I handed it, and went away.

Q. There were no ghosts around there (Riverdale) were there? A. It was very dark; I couldn't say.

Q. You don't think that any spirits came around and took away that \$5 bill from you? A. I don't know; I was in too big a hurry; I couldn't tell.

Q. At any rate, you addressed the policeman on horseback and the \$5 bill disappeared? A. I didn't address him; I merely went out; I had no conversation; one way or the other.

Q. Did you say anything about the dog-fight to him? A. I never mentioned it.

Q. When you went to the station-house afterward, what did you say; did you make a charge against him? A. To the station-house?

Q. Yes? A. I didn't go to the station-house.

Q. Where did you make the charge against him? A. I went to police headquarters.

Q. Who brought you to police headquarters? A. I went there myself.

Q. You told about this transaction? A. I did; yes, sir.

Q. Whom did you tell there? A. I couldn't say the man's name.

Q. Do you remember Inspector Steers? A. I have seen that gentleman once, I think.

Q. He was on duty once, was he not? A. I think he was; I couldn't say, I am sure.

Q. What became of the charge you made? A. I withdrew the charge; I didn't have anything to do with it; it was other people who were doing the work, and I thought I was only making a fool of myself to do it; I was not sure he was the man, anyhow; after I found out that I had made a charge against a man named Weise. I didn't know whether it was Weise or any other name; there were three at that time.

Q. You do know that you parted with \$5? A. I know that I parted with \$5.

By the Chairman:

Q. You didn't get it back either? A. I haven't started to collect it yet.

Herman Weise, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What was the occasion when you threatened to commit suicide in presence of Captain Westervelt when charges were made against you? A. I never—

Q. Did you ever threaten to commit suicide when a charge was made against you? A. No, sir; not that I know of.

Q. Do you think you could have made such a threat and you not know it? A. I should think so.

Q. Do you remember that Captain Westervelt had you in a room for three hours for a certain transaction? A. No, sir.

Q. Do you remember while you were in uniform and on duty being caught in a house on Madison avenue? A. No, sir.

Q. What drove you out of Westervelt's precinct? A. I was transferred to the Thirty-fifth.

Q. What caused you to be transferred? A. I don't know.

Q. Don't you know that you were caught in a respectable man's house in an improper condition, there in relation to one of the females of his house? A. No, sir.

Q. Will you swear that you were not, and that it was not brought to Captain Westervelt's attention; will you swear that you were not charged by Captain Westervelt with being found in a respectable citizen's house in improper relations with one of the females of his household? A. I couldn't swear to that.

Q. Will you swear that you were not so caught? A. I swear to that.

Q. Will you swear that you were not charged before Captain Westervelt with that offense? A. Well, I don't know what I was charged with.

Q. Don't you know that you were charged with that offense? A. I was charged with being in there, but I was not in there.

Q. Didn't you threaten to commit suicide in Captain Westervelt's hearing and presence if the charge was pressed against you? A. No, sir.

Q. Will you swear you didn't? A. Yes, sir; I can relate the very words I mentioned.

Q. Let us have the very words? A. He accused me and I said, before I will have anything of that kind I would sooner blow my head off, or words to that effect.

Q. Then didn't he tell you to get to a hot place out of the precinct? A. No, sir.

Q. Wasn't it what drove you out of the precinct? A. No, sir; not as I know of.

Q. There never was a charge made against you for that? A. No, sir; there was not a charge; I haven't done anything.

Q. There never was a charge made against you for taking a \$5 bill from Mr. Hughes? A. Well, I haven't taken any.

Q. Mr. Hughes says you were on horseback when he handed it to you? A. No, sir; I didn't know Mr. Hughes at the time; I don't know as I ever seen him before; I don't know that Mr. Hughes knew me.

Mr. Goff.—You may go for the present, officer; I want to see you in the morning.

Chairman Lexow.—Mr. Goff, shall any announcement be made with reference to witnesses.

Mr Goff.—Yes, sir.

Chairman Lexow.—To attend in the morning at half-past 10 o'clock.

Mr. Goff.—Yes, sir.

Chairman Lexow.—All witnesses subpoenaed for to-day will be here to-morrow morning at half-past 10 o'clock, without further subpoena.

Mr. Goff.—One moment, please. I have a witness here that we have to examine.

Millie Weinberg, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

(The witness was examined through Martin Van Ryn, as interpreter.)

Q. What did you pay \$350 for to Silver Dollar Smith? A. I wanted to pay him \$350, but he wouldn't accept it.

Q. What did you want to pay him the \$350 for? A. I wanted to open a house.

Q. What kind of a house? A. A coffee-house.

Q. With lady boarders? A. Yes, sir.

Q. Why did you want to pay Silver Dollar Smith \$350 to open a coffee-house for? A. I wanted protection.

Q. How could Silver Dollar Smith give you protection? A. A girl told me to go to Silver Dollar Smith and he could protect me.

Q. Did you pay money to anyone? A. No, sir.

Q. Do you know a man by the name of Ullman? A. No, sir.

Q. How long did you keep your coffee-room there? A. Three months.

Q. And your girl? A. Only a servant girl.

Q. And you didn't pay any money? A. No; I wanted to pay, but he didn't want it; he showed me the door.

Mr. Goff.—I think, Mr. Chairman, that we ought to adjourn right here, because it is a most surprising thing that Silver Dollar Smith should be offered \$350, to protect a coffee saloon for three months, and yet not accept it. I think we had better adjourn right away.

The committee adjourned to Wednesday, October 10, 1894, 10:30 o'clock, a. m.

Proceedings of the forty-fourth session of the committee, Wednesday, October 10, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson and Cuthbert W. Pound. John W. Goff, Frank Moss, and W. Travers Jerome.

Samuel Kaufman, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Moss:

Q. What is your business? A. Salesman.

Q. Your name is Samuel Kaufman? A. Yes, sir.

Q. Where do you live? A. No. 437 One Hundred and Nineteenth street.

Q. Were you in court yesterday? A. Yes, sir; I was.

Q. Did you hear the examination of Officer Corcoran? A. Yes, sir.

Q. Did you go out of court with Officer Corcoran, or where you could see him? A. About one minute after.

Q. And how far did you go with the officer? A. I met him on the City Hall station.

Q. Did you go on the car with him? A. Yes, sir.

Q. Who else was with him? A. No one else besides myself.

Q. Was there another officer with Corcoran? A. Yes, sir.

Q. Did you hear Corcoran talk? A. Yes, sir.

Q. Did you hear him talk about anything that happened here? A. Yes, sir.

Q. What did he say? A. He says, "I will make those two witnesses dead as a door nail; I will lay for them some night."

Q. What two witnesses? A. The witnesses that testified against him.

Q. The two witnesses that testified against Corcoran, you heard him say he would make them dead as door nails, and would lay for them some night? A. Yes.

Q. Did he say when? A. He did not say when, and the other officer said, you had better wait until the Lexow gets done.

Q. Did you hear anything else? A. The other officer said, "A little lower."

Q. Says what? A. Says, "Not so loud," and then they commenced to joke on the way up; that is about all they stated, and commenced to joke with one another.

Q. You have had some experience with the police yourself, haven't you? **A.** Some.

Q. You have had occasion to hold public meetings at times, haven't you? **A.** Yes.

Q. Tell us about some public meetings you have arranged for, and held, where you came in contact with the police?

A. About eight months ago at New Irving Hall we had a meeting, and I seen a number of men standing on the sidewalk and collecting money; I asked them what they were doing that for; they said that is for the officer; I said, "What for, he is getting paid;" and they went up to hand it to the officer, and it was either \$2 or \$3; and the officer said, "What do you think I am, a small potato to take \$2 or \$3;" I said to the parties, "You don't want to give them anything," and as I went across the street the officer said, "I will get square on you," and then I went away.

Q. Do you know the officer? **A.** I do not.

Q. Was that the officer at that meeting held at the time you mentioned? **A.** He was down stairs, and after meeting he came up.

Q. What date was the meeting? **A.** It was on Friday night; I don't know the exact date.

Q. About eight months ago? **A.** About eight months ago.

By Senators Bradley:

Q. What meeting was it? **A.** The meeting of the tailors' union.

By Chairman Lexow:

Q. What did you want to give that \$3 for? **A.** I did not want to give it to him; and they were collecting it; and they said for watching down stairs.

By Mr. Moss:

Q. The men that were collecting were members of the tailors' union, weren't they? **A.** I believe so.

Q. They were members of the meeting? **A.** I think so.

Q. Do you know who asked them to collect for the officer?

A. There were three or four of them—five of them; there was money changing hands, and I don't know who was to hand it to him.

Q. Did you have any other exchange? A. No, sir; I do not.

Q. You do not know of any other meeting where officers have been paid for watching at the door? A. That is about the only one.

Meyer Schoenfeld, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your full name? A. Meyer Schoenfeld.

Q. Where do you live? A. I live in 42 Clinton, but the offices of the union is in 40 Attorney street.

Q. You live in 42 Clinton street? A. Yes, sir.

Q. What is your business? A. My business is at present organizer of the tailors' union.

Q. Have you had any experience in holding public meetings of the union? A. Yes, sir.

Q. Has that experience brought you in contact with the police? A. Part of it.

Q. Do you know anything about money having to be paid to policemen for protection to those meetings? A. All that I know is I was invited to speak to a mass-meeting about seven or eight months ago in Irving Hall, and when I was done I saw a man, Samuel Kaufman, and Harry White, standing with the officer in the hall; I asked them what they were doing there, and they told me the officer was asking for some money, and they had got to make some collection for it; that is about all I know.

Q. Did you see the collection made? A. Yes, sir.

Q. Did you see any money paid to the officer? A. No.

Q. But the request was made in his presence? A. Yes, sir.

Q. Or the thing was talked about in his presence? A. Yes, sir.

Q. Do you know what his name was? A. No.

Q. Do you know his number? A. No; I am sorry for it; I think the rest of them know it; but I don't know it.

Q. Where was the meeting held? A. At Irving Hall; it was Friday night; about eight months ago; it could be found out by the organization.

Q. Do you know anything about the collection of money by peddling? A. I don't know; I did not take interest in it; but I know that the peddlers are making some deals with the officers

in Hester street; if they were not, the blocks would not be so crowded as they are.

Q. Do you know about an assessment of a certain amount a week? A. I don't know about the assessments; I don't know what they are paying; but I know that the streets on the east side are blocked.

Q. On what streets? A. Hester street, Essex street, Norfolk street and Ridge street.

Q. Do they stay more than 10 minutes at a time? A. Some of them; and some of them are not allowed to stay; and some of them do not move for some three or four hours.

Q. Have you been present on some occasions when some peddlers were made to move by the policemen, and others allowed to stay? A. Certainly.

Q. How many times have you seen that? A. A few times.

Q. You know of any money having been paid by peddlers to officers? A. No.

Q. Do you know the name of any man who has been engaged in collecting money from peddlers? A. No.

By Senator Bradley:

Q. I will ask you one question; you say that the policeman makes the peddlers move on Essex street? A. Some of them.

Q. Did you see Essex street Sunday afternoon? A. No.

Q. Don't you know that it is a fact that Essex street, from one end to the other, is lined with peddlers' wagons, and even with horses and wagons, and every store on Essex street, with the exception of liquor stores, is wide open, and men doing business, and selling cigars and sewing boots and shoes? A. Not only in Essex street, but in Norfolk street, also.

Patrick Kelly, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Your name is Patrick Kelly? A. Yes, sir.

Q. Where do you live? A. No. 1677 Third avenue.

Q. Did you have any experience with the policemen recently? A. Yes, sir.

Q. When was it? A. Last Monday night, two weeks; from last Sunday night two weeks was the first.

Q. Tell us all about it? A. Well, the first time I came to sit out on the stoop, I was up all night; there was a tin wedding in

the house, but I did not go to the wedding; I stopped up all night; I could not sleep; and the next day I slept nearly all day; and I went down the next evening to take a little air on the stoop, and I sat down; and it was a little late, and I fell asleep; and this man came along.

Q. What man? A. The policeman.

Q. What name? A. Thurew, or something like that.

Q. What station does he belong to? A. Fifty-eighth street; so I was asleep, and he woke me up with his hands in my pocket, and took a 50-cent piece out of it; I did not put my hand in my pocket right away; I asked him, "What are you doing;" he said, "What are you doing here;" and he said for me to get out of here, and I told him I wouldn't, I belonged to it; and he went down Second avenue; I found my pocket ripped open, and a piece of paper it was wrapped in open on the stoop, and I see it dropped, too, and did not take notice of what it was until I put my hand in my pocket, until he was gone.

Q. You had a fifty cent piece wrapped in a piece of paper in your pants pocket? A. Yes, sir.

Q. You were aroused upon the stoop by feeling a hand in your pocket? A. Yes, sir.

Q. You opened your eyes and looked and saw the officer drawing out his hand from your pocket? A. Yes, sir.

Q. And as he drew out his hand, you saw the paper fall? A. Yes, sir.

Q. And you put your hand in the pocket and found the money was gone? A. Yes, sir.

Q. And then took up the paper and recognized it, and nobody's hand had been in your pocket but the officer's? A. Never but him; I caught him right there, as I was sitting there; as I was sitting down the pocket was tight.

Q. You say when his hand was in your pocket you was wide awake so you know that fact positively? A. I know that positively; the pocket was tight, and when I straightened up it was easier for him to get his hand out.

Q. Did you have a talk with the officer about it? A. Yes. I called him on Second avenue and told him about it, and I told him he ought to give me that 50 cents back; and he said, "Do you say I took that 50 cents of you," and I said, "Yes"; he said, "if you say that I will break your nut," and he said, "Do you say I took it again?" I said, "I know you know all about it;" I was afraid he would hit me with the stick, and I walked to the stoop.

ed what I should do, and then I reported him to the sergeant at Eighty-eighth street; the sergeant told me to come back that evening at 5 or half-past 5; and that morning I went to Brooklyn to look for a job, and I could not get back in time to walk back, and when I saw I could not get back in time I told the story, and I said I will not bother with it until it went on until the next Monday evening.

What happened Monday evening? A. The next Monday I went down to my house to leave my uncle home, when I sat down on the stoop, and was tired, looking towards New York, and these two policemen, Thrurow, and a man—(that is what I understood was his name)—and the third man rushed up to me on the stoop and thought I was on the stoop again, and I jumped up and asked what was the matter with them, and they asked what I was doing here, and I said, "What do you see me doing;" and they said, "Get up, and I said, "No, I belong here;" and Barry turned and said, "What did you report this man for, for taking something out of your pockets;" and I said, "It isn't any of your business to ask me that;" and I said, "The man is there, and he did take it, and that is why I reported him too;" and I said, "I went up and saw him take his hand out of my pocket," and the other two hit me, and then they walked over the other side of the street between Third and Lexington avenues, and I hid my back under the moving van to see where I was going, and I walked down to Ninety-fifth street to ask these numbers; and this Officer Barry followed me down, and he came to me there with the fellow I spoke for the first time, and I told this Thrurow, at the Ninety-fourth street corner, to get out of it; and this man said to me, "Do you mean to say that I took 50 cents;" I said, "Yes, you did; I know you did, if you didn't know it, I wouldn't say so;" and with that he pulled me off, and hit me in the face, and this was the third man; he was alone when I went for the numbers; he hit me on the neck, and walked away, and I was going to report the third, and the third man came and hit me between Ninety-third and Ninety-fourth streets, and I hid my back under the moving van on Third avenue; and this man Thrurow insisted on my going home; and the other two fellows insisted on his doing so, and I would get into trouble.

How long were you arrested? A. Yes, sir; and the next morning, when I went to the station, he made me walk up to the court

from the station, he made me walk up First avenue, and he asked me again, did I still say he got that 50 cents, and he got mad over it again, and I said, "I don't care what you got mad for," and he said, "I want to get a living, and I won't try to hurt anybody, and I don't want you to hurt me," and he went up and swore —

Q. He did not arrest you until you still continued your insistence that he took money; he did not arrest you until you had insisted again that he took the money? A. No, sir; he asked me before the fellow on the corner of Ninety-third street, did you hit him.

Q. He arrested you that morning, but not until he asked you if you meant to insist upon the charge that he stole the money?

A. Yes; he let me go after this fellow hit me up on the corner; he asked me, did I say still he took the 50 cents, and I said yes.

Q. And then he arrested you? A. No; it was not right away he arrested me, and the fellow I asked the numbers drew off and hit me there, and I walked off, and they let me go when I was going for the door, and I wheeled back, and was going to the station-house, and they three arrested me between Ninety-third and Ninety-fourth street.

Q. What was the charge against you? A. Intoxication and disorderly conduct.

Q. Were you arraigned before a judge? A. Yes, sir.

Q. What happened there? A. And I will tell you another part before I tell you: the sergeant, the night I was arrested, the Monday night I went down to the station, he told me if it was not for me not attending to the report I made, he would not have kept me on that night, and let me go, but he had to do so because I had not made the report; I understood by that I was only kept in to see the captain the next day to report this to the captain the same as I did to the sergeant; instead of that I was brought up for intoxication and disorderly conduct.

Q. What did the judge do with you? A. Five dollars or five days, and the next time, he said, he caught me there he would give me three months.

Q. What was the name of the judge? A. I think it was Burke.

Q. These three officers testified against you? A. Yes; the three of them were there.

Q. Your word only against them? A. Yes; and I told the man was taking 50 cents out of my pocket, and then I was

charged \$5. and the judge said, the next time I catch you here, I will give you three months.

Q. Judge Burke had three officers against your testimony? A. Yes.

Q. And he took the preponderance of evidence, of course? A. Yes.

Q. Have you had any trouble with those officers since? A. No; I have not seen them since, only at Saturday night.

Q. Have you been requested to appear at headquarters to make charges against the officer? A. Yes; there was an officer at the house Saturday. I was not there.

Q. Did you ever have any trouble with the police before? A. No, sir.

Q. Were you ever arrested before? A. Only once, seven years ago; there was a person got me arrested, and they had to let me go.

By Chairman Lexow:

Q. What was the charge? A. That I called a woman names.

Q. There was no charge of larceny? A. No charge of larceny at all; it is about seven years ago.

By Mr. Moss:

Q. Haven't you had a message from the captain recently? A. Yes; this evening when this officer came up he told a sister of mine that the captain wanted me, and he was after asking my sister did I be working that day, and she said, "No, he ain't working;" he said, "tell him the captain wants him; I guess the captain has a job for him."

Q. Who is the captain; what is the captain's name? A. I forget the name now.

Q. It is the Eighty-eight station-house? A. Yes, sir.

Q. The captain of that station? A. Yes; I could not tell you the name.

Q. An officer told you the captain had a job for you? A. Yes, sir; he told my sister, I had to go down that evening at half past 5, or any other evening of the week, and said, "I guess he has a job for him."

By Chairman Lexow:

Q. Was that the occasion you speak of when you were requested to make charges before the commissioners? A.

No, sir; when I made the charge before the commission was for taking 50 cents off me.

Q. Who told you to make those charges before the board commissioners? A. I was going down to make charges before the board of commissioners.

Q. Did this officer who came and spoke to you about the captain, did he come to you for the purpose of having you make charges before the commissioners? A. No, sir; he did not come for that.

Q. Did he say so? A. Not that I heard.

By Senator Bradley:

Q. You did not go to see the captain? A. No, sir; I have not spoken to one of the men since—no policeman.

Q. No official asked you to make a charge? A. No, sir.

Vernon H. Brown, called as a witness on behalf of the State being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation? A. Agent of the Cunard Steamship Company.

Q. How many years have you been agent of that company? A. Some 14 or 15.

Q. And so far as your company is concerned, you are direct and chief representative in New York? A. Yes, sir.

Q. Now, I desire to keep you but a few minutes, as I know you are very busy to-day; I will ask you a direct question. Has the company has paid the police for any services rendered to the police to the company? A. Are you through with your question?

Q. Yes? A. The only payment that has ever been made is \$10 a week to the officer in charge of our dock, which I have been in the habit of paying for a good many years.

Q. And you have made entry of that payment on your books on the books of the company? A. Well, it has been charged to our regular labor account; there is no special entry made of it.

Q. That is, the entry does not show it was paid to the police? A. No, sir.

Q. But charged to the labor account? A. No, sir; it was paid in the shape of a gratuity to the officer.

Q. Now, so far as you know, being familiar with the steamship business at this port, can you state whether or not that has been the custom of all the foreign steamship companies centering at this port to pay the police officers on the dock? **A.** I think it has been the general custom, so far as the passenger traffic is concerned; in regard to the freight lines I have no knowledge.

Q. That is, \$10 a week to the officer assigned to duty? **A.** Well, it may not possibly be \$10 a week by all; but I think it has been customary on most of the passenger lines to pay gratuity to the officer of so much a week, or so much a month, as the case may be; but whether they have all paid an equal amount, I have no means of knowing; I am only giving you my impression; I think it has been generally paid.

Q. And the payment, so far as the Cunard company have been concerned, represents all that the Cunard company has paid? **A.** Absolutely, in any way, shape or form, subscription or otherwise.

By Senator Bradley:

Q. How many years have you paid, to the best of your knowledge, that \$10 a week? **A.** Well, I think it was—I am not sure whether it was always paid since I have been agent of the line, with the exception of a few months, and that was the time Captain Schmittberger took charge of the precinct, and he came and requested me to stop payment, which I did at the time.

By Chairman Lexow:

Q. When was that? **A.** Well, I should think it was in 1890 or 1891; I am not sure.

Q. How long after Captain Schmittberger took charge of that precinct? **A.** My impression is it was about the time he took charge of it.

Q. Did he come to you and make that request? **A.** I met him at the dock, and he came to me and asked if I was in the habit of paying the police officer anything, and I said, "Yes; \$10 a week, or an equivalent to that," and he said, "Well, I must ask you to stop it."

Q. Was a change of officers made about that time? **A.** No, sir; I believe not.

Q. Did the same officer remain on your wharf all the time during the year 1891, or during Captain Schmittberger's command? A. I can not answer definitely about that; but to the best of my recollection, we have never had but three officers on the dock while I have been there; the first one was retired, I think, on account of his age; I think he was pensioned off — I think the term is; and my recollection is we had but two officers since that.

Q. Is your recollection such that you can state that there was no change made at about that time? A. I am sure there was none.

Q. You are positive? A. Yes, sir.

Q. Is your dock near that of the French line? A. Yes; it is; I think two docks away.

Q. What was the name of the officer then on the wharf? A. I could not tell you; I could easily ascertain, but I do not remember the name.

Q. Do you remember a purse being made in the year 1891 of \$500 from each one of these transatlantic steamship companies? A. Do I remember it?

Q. Yes. A. I say, positively, there never was any such purse made up.

Q. That is, if there was a purse of that kind made up, your company did not join it? A. Did not join it; and I would have been sure to have heard of it, if there had been.

Q. Three witnesses stated upon the stand here, yesterday, that it was a matter of rumor, was well understood by those engaged in your business, that at that time a purse of \$500 per steamship company was being made up for the purpose of presenting it to the police, or the captain, for protection; are you prepared to say, from your knowledge of the business, that that was false? A. I think it is very improbable; yes, sir.

Q. Are you prepared to say it was false? A. I can not swear to it; I have no disposition to say it was false; but to the best of my judgment it was very improbable.

Q. Are you active in that line in a way that would bring intelligence or information of that kind particularly to you? A. Well, I generally call myself alive to all that is going on.

Q. I mean, would you be apt to know of a rumor that would pervade your business circles of that kind? A. I might not hear of the rumor; but if anything of the kind was attempted to be carried into force, I think I would be very likely to hear it.

By Senator Bradley:

Q. You have never been asked by any ward officer or detective to subscribe? A. I do not know a ward officer in New York, and never have had one pointed out to me, or never had a call from any.

Q. Since the removal of Captain Schmittberger, have you continued to pay the \$10 a week? A. I have; I think there was an interval of three or four months when he spoke to me, and I found on inquiry from my associates that they were still paying the gratuity, and I did not see any reason to discontinue it.

Q. You continued to pay the \$10 gratuity? A. Yes.

By Chairman Lexow:

Q. While Captain Schmittberger was in the precinct? A. I think before he went I resumed it.

Q. Are you certain about that? A. Yes, sir; I am positive about that.

Q. After the captain of the precinct had notified you that he considered it improper for the steamship companies to pay his subordinates money, you continued paying? A. I did not state that, sir; excuse me.

Q. He requested you not to do it? A. He requested me not to do it; but did not say it was improper, or anything of the kind.

Q. Didn't you have on your mind that he considered it was improper for the discipline of the force that it should be paid? A. That may have been probable.

Q. What did Captain Schmittberger say to you when he requested you not to pay? A. Simply, when I answered in the affirmative, he requested it should not be paid; I do not remember any other conversation.

Q. Did you ever see him again? A. Occasionally.

Q. I mean in connection with that subject? A. No, sir; no word on the subject.

Q. You never had any further conversation after the renewal of the payment? A. No, sir; never.

By Senator Bradley:

Q. What is the officer's name doing duty on the pier now? A. I don't remember.

Q. You don't know his name? A. I do not; I do not know as I ever heard it.

Mr. Goff.—I would state, Mr. Chairman, that my intention was to continue the examination of Mr. Forget this afternoon, and also another witness, whose name I got last night in relation to the matter; but I received a communication from Mr. Forget this morning, requesting me most urgently to excuse him until to-morrow morning for very many reasons. I have complied with the urgent request, and we expect his here to-morrow morning, so our line of examination has consequently been a little disrupted.

John H. Lemon, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. I live 182 East One Hundred and Twenty-third street.

Q. Did you go to the French ball on the 5th of February of this year? A. Yes, sir; I did not know the date, that was the reason I hesitated.

By Chairman Lexow:

Q. What is that; a memorandum you made? A. Yes, sir.

By Mr. Goff:

Q. That was a memorandum made on the same day, or the day after? A. The day after; the morning after.

Q. You had some friends with you, didn't you? A. Yes, sir.

Q. And you saw some persons there that you recognized? A. Yes, sir.

Q. Where was the ball held? A. Madison Square Garden.

Q. So that the record may have it straight, that is an exhibition room occupying a whole block, is it not? A. Yes, sir.

Q. How many people were there, about? A. Oh, I should —

By Senator Bradley:

Q. As near as you can state or estimate? A. I have it here. Chairman Lexow.—Approximately?

By Mr. Moss:

Q. Was the garden filled? A. Yes, sir.

Q. Five or 6,000 people? A. I should say about 6,000.

Q. Have you lived in New York city a number of years? A. Yes, sir.

Q. You know whether this French ball, so-called, is an annual occurrence? A. It is.

Q. And what is the general rumor concerning the character and conduct of the French ball? A. It is bad.

Q. What was the general estimate by the newspapers on the following morning, and by people as they talked of it, of this ball, as compared with previous balls? A. The general report of it, was better of this ball than it was previous.

Q. The general report was that it was not quite up to the standard of business? A. Yes; that is what I read.

Q. What time did you go there? A. Between 8 and 9 o'clock in the evening.

Q. Did it give any indications of badness at that time? A. No; everything was conducted very well for an affair of that kind, up to later in the evening.

Q. When did you begin to observe anything that was not proper? A. Well, along about 11 or 12 o'clock.

Q. Were there any police officers present? A. Yes, sir; lots of them.

Q. How many? A. Oh, there were, I should say, 20 or more.

Q. Did you see anyone whose name you knew — policemen? A. I saw Mr. Schmittberger.

Q. The captain? A. Captain Schmittberger.

Q. Who else? A. McAvoy.

Q. Inspector McAvoy? A. Yes, sir; and Inspector Byrnes, and a number of others that I did not know, but I took their numbers; I got their numbers.

Q. When did Mr. McAvoy come in? A. I think I saw him about 11 o'clock.

Q. How long did he stay? A. He was there during the entire ball.

Q. Through the entire ball? A. Yes.

Q. Captain Schmittberger; was he there all night? A. Yes.

Q. How long did Superintendent Byrnes stay? A. I saw Superintendent Byrnes in the gallery, I think, about 2 o'clock, or perhaps later.

Q. How long did he remain? A. Well, I don't know how long he had been there, before I saw him, and I only saw him a little while, when he disappeared, and I did not see him any more; that was back in the wine-room.

Q. He disappeared back in the wine-room? A. He was up in the gallery, and the gallery was—there was a wine-room partitioned off by a large curtain; the wine-room was down below, and for several minutes or half an hour I saw him.

Q. You mean to say Mr. Byrnes was looking into the wine-room? A. Yes, sir.

Q. In the gallery where it was partitioned? A. Yes.

Q. And standing in the gallery, you could look over into the wine-room? A. Yes, sir.

Q. And you say you saw him looking into the wine-room? A. Yes, sir.

Q. Will you tell us briefly as you can, without too much of detail, that might be unnecessary, what you saw? A. Well, the women there were dressed, part of them, in short skirts and low necks, and some in tights, and high kicking; their breasts was exposed very much, and on several occasions, I saw the men take and loosen the straps, or throw down the straps of the girls' waists that held their waists up, and their breasts would fall right out and be exposed to everybody that wished to look at them.

Q. Was that in public? A. Yes, sir; anybody could see them.

Q. In how many cases was that? A. A number of cases.

Q. That was common? A. That was very common.

Q. Did you observe any indecent exposures? A. Yes, sir.

Q. How frequently? A. As many as three or four times.

Q. Three or four times? A. Yes, sir; in the back of the wine-room, another gentleman and myself were walking around, and there was one girl there especially—

Chairman Lexow.—I think the general statement of indecent exposure will cover this charge.

Q. Now, as to public appearance, the general knowledge that must have existed of these circumstances; will you describe how some of these women with scanty attire, got in and out of the boxes? A. They got in from the assistance of men lifting them right over; they did not go around and walk up the steps.

Q. But were pushed up from the floor? A. Yes; many times and lifted right up and thrown up head first.

Q. And thrown into boxes? A. Yes, sir.

Q. The police officers standing all about? A. Yes, sir; and I saw one police officer accept a drink of wine from one of the boxes.

Q. What was the character of the conversation; did you observe the conversation? A. Yes, sir; on many occasions it was very bad.

Q. Was it loud? A. Yes; so anybody could hear it.

Q. What did you see in the wine-room? A. I saw men and women sitting there, and drinking wine, and laughing and kissing each other, and one woman showed her person right there to a man sitting with her. (By direction of the chairman the remainder of the answer was stricken out as unfit for publication in the minutes.)

Q. Did you see people lying about on the floor of the wine-room? A. Yes.

Q. And in various states of intoxication? A. Yes, sir.

Q. Did that continue all night? A. Yes; after they got intoxicated; they were not intoxicated at first when we went in there; I should say after 12 o'clock they continued right along, until the close of the ball.

Q. How many people did you see lying on the floor at once in the wine-room? A. I did not count them.

Q. About how many? A. Eight or nine.

Q. Eight or more at a time? A. Yes, sir.

Q. Lying on the floor? A. Yes, sir.

Q. Men and women? A. Yes; lying in different parts of the floor.

Q. Did you see any effort by any of the policemen to restrain indecent exhibitions? A. I did not.

Q. You spoke of dancing and high-kicking did you not? A. Yes.

Q. Was that all published? A. Yes, sir.

Q. Did the officers make any effort to restrain that? A. No; sir.

Q. And the indecent exhibitions in the wine-room, which I shall not shock you to detail, was there any effort from the police officers, from Mr. Byrnes down, to restrain that? A. Not at all.

Q. Do you mean to say the superintendent of police saw these indecent exposures, and made no attempt to restrain them? A. Yes; I mean to say you could not help see it, because he was looking over one of the bannisters when these indecent acts were going on.

By Mr. Moss:

Q. And they were all very public? A. All very public.

By Chairman Lexow:

Q. Does that apply also to men lying on the floor — to men and women indiscriminately? A. Yes, sir.

Q. Was it done in such a way that Inspector Byrnes must have seen it? A. He could not help but see it.

By Mr. Moss:

Q. Do you know the character of any or many of the women you saw there? A. I did.

Q. What was their character? A. Their character was bad.

Q. You recognized it? A. I did.

By Chairman Lexow:

Q. Do your same remarks refer to Inspector McAvoy and Captain Schmittberger, and the other policemen you saw on duty there? A. Yes.

Q. That they must have observed these special indecent things you have mentioned? A. Yes, sir.

By Mr. Moss:

Q. You recognize many of these women as inmates of houses of ill-fame, didn't you? A. I did.

Q. Women that you have seen in the work you have done under your employment? A. I have, sir.

By Chairman Lexow:

Q. What is your occupation? A. I am an agent for the Society for the Suppression of Crime.

Q. Have you got any feeling against the police in this city? A. Not at all.

Q. Never had any friction with them? A. Nothing, except when they did not protect us at the time they mobbed us down in the Bowery.

Q. But you have no personal feeling against either individual police, or the police as a whole? A. Not at all.



By Senator Pound:

Q. For what purpose were you present at this ball? A. For the purpose of seeing the conduct of the ball, and how it was carried on, and report the same back to the Society for the Prevention of Crime.

Q. You were acting under their directions? A. Acting under their directions.

Q. Is there an admission fee charged for the admission to this ball? A. Yes.

Q. What is it? A. I think it is \$3; \$3 or thereabouts.

Q. It is an annual affair, its reputation and character well known in the city to everybody, isn't it? A. Yes, sir.

By Chairman Lexow:

Q. How long did these especially indecent things to which you have referred last? A. Until 5 o'clock in the morning.

Q. From what hour? A. Commencing, I should say, from 12 o'clock.

Q. And during all that time, you wish to be understood as stating, that you knew of the presence there of Superintendent Byrnes, and Inspector McAvoy and Schmittberger? A. I did not say all the time of Superintendent Byrnes.

Q. How long was he there? A. I should make it between 12 and 2 o'clock; anyhow, that I had seen him there.

Q. Was the carnival at its height at that time? A. Yes, sir.

Q. And how long was Inspector McAvoy there? A. I saw him, I think, between 10 and 11 o'clock first, and I saw him just before the ball closed.

Q. That was when the bacchanalia was at its very height? A. Yes, sir; I saw him on the floor of the ball-room.

Q. And Captain Schmittberger? A. Yes, sir.

Q. How long was he there? A. The same length of time.

Q. They were in at the start, and came in again at the finish? A. They were there all the time.

Q. And he was there all the time? A. Yes.

By Mr. Moss:

Q. Let me refresh your recollection; you said the price of admission was three dollars; wasn't it six dollars? A. I was going to say I think it is six dollars, instead of three.

Q. Did you read the report of the French ball that was published in the Herald on the 11th of February, written by Dr. Madison C. Peters? A. Yes, sir.

By Senator Pound:

Q. Was the doctor also present? A. I don't know.

Mr. Moss.—Yes, Dr. Peters was present as the representative of the New York Herald, and inasmuch as it is very unpleasant to exploit this matter, and we do not want to go into details, I will put this witness certain questions, covering questions made by Dr. Peters in this report.

By Mr. Moss:

Q. It appeared in this statement by Dr. Peters, "The whole affair is a bacchanalian debauch;" does that accord with your observation of the ball; "The whole affair is a bacchanalian debauch;" what do you say about that? A. I don't hardly know what he means by that.

Senator Bradley.—A jolly drunk; how is that?

Q. "The lower boxes where some of the demi-monde, who fell out of the boxes dead drunk?" A. That is true.

By Chairman Lexow:

Q. Was that characteristic; it is not a question whether one or two episodes of that kind occurred; was it characteristic of the whole ball? A. Yes, sir; around the boxes that was very frequent.

By Senator Pound:

Q. How many women did you see fall out of the boxes dead drunk in the course of the evening? A. I don't say "fall out of the boxes;" but I saw them fall in the boxes, and thrown in the boxes.

Q. Mr. Moss read they fell out of the boxes? A. There were some fell out of the boxes.

Q. How many? A. I don't know; two or three.

By Mr. Moss:

Q. "These women were chiefly and loudly clothed, they were painted and powdered to absolute indecency; they were foul-

mouthed;" what do you say as to that being characteristic of the ball? A. That is certainly true.

Q. "I saw married men, fathers, and scores of them, kissing and hugging the vilest wretches; of course, they were drunk?"

A. I don't know anything about the married men there.

Q. But you did see middle-aged and elderly men going through these performances? A. Yes; I don't know whether they were married or not.

By Senator Bradley:

Q. Did you see any of the police officers participate in any of the festivities there? A. I saw one of the police officers drinking wine there from one of the boxes that was handed over to him by one of the girls.

Q. You did not see any of the inspectors imbibe? A. I did not see any of the inspectors take a drink.

Q. Or at any time, drink? A. No, sir.

By Mr. Moss:

Q. Did you see an officer attempt to force a man into a cab with his protest? A. Yes; and I protested against that.

By Senator Bradley:

Q. Who did you protest to? A. I protested to the man that was pushing him into the cab.

By Mr. Moss:

Q. To the officer, you mean? A. No; the man first; the cabman; the gentleman that was with me also protested, and the officer stepped up by me, and I told him that the man was being put into the cab against his will, and he was drunk, and it was not known where he would be taken to; and he said, "It is not so;" he says, "You see me make the way for this man into the cab;" I said, "You did not do anything of the kind; the man was in the cab before you was here at all;" the officer said, "It is not so; and it is all right," and I was called foul names.

Q. Who called you foul names? A. The cabman.

Q. In the presence of the officer? A. In the presence of the officer; and I took the cabman's number, and afterward

secured the policeman's number, after the policeman went back; this was on the corner, and he went back into the garden, and I went back and got his number.

By Senator Pound:

Q. Did you see any arrests there that night? A. There were no arrests made; there were two people put out.

By Mr. Moss:

Q. Only two that you saw? A. Only two.

By Chairman Lexow:

Q. Did you hear any complaints made? A. No, sir; there were no complaints made.

Q. Did you make any complaint? A. No, sir.

Q. As the agent for the Society for the Prevention of Crime, you was there on ordinary business? A. Yes, sir.

William H. Jamouneau, called as a witness, on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your name? A.. William Jamouneau.

Q. J-a-m-e-n-o-u-x? A. J-a-m-o-n-e-a-u.

Q. Where do you live? A. I am living in Roseville, New Jersey.

Q. What is your business? A. I am president of the Alvin Manufacturing Company.

Q. Did you discover in 1891 that you had been robbed by one of your employes? A. Yes, sir.

Q. You went to police headquarters, and reported, didn't you? A. Well, we received the information through the detective office.

Q. Who was the detective? A. Detective O'Connor.

Q. Is O'Connor, detective, in court; do you see him? A. I do not know; I do not see him.

Q. Is Detective O'Connor present? (No answer.)

Q. You found some 'pawn tickets, didn't you? A. The detective found some tickets on the person of the person arrested.

Q. Your employe was arrested, and the detective found some pawn tickets? A. Yes, sir.

Q. And through those pawn tickets the property was located?
A. Yes, sir.

Q. What was the value of the property? A. As near as I can tell—I mislaid the inventory we took at the time, but it was in the neighborhood of \$1,000 or \$1,200.

Q. And where was it pawned, in the pawnbrokers? A. It was found at various pawnbrokers throughout New York and Brooklyn.

Q. Did you go with the detective to the pawnbrokers to identify the goods? A. I visited one pawnbroker where the first article was discovered.

By Chairman Lexow:

Q. What was the value of that? A. That was an umbrella, a silvered handled umbrella valued at about \$12 or \$15.

Q. Was anything said to you by the pawnbroker about paying the pawnbrokers the advances? A. Yes; they advised it was the easiest way to pay the advances.

Q. Who said so? A. Detective O'Connor.

Q. Any one else? A. I couldn't say positively whether the other detective said anything on that or not.

Q. Who was the other detective? A. His name was Slauson.

Q. How much were the advances? A. There had been \$170 advances by the pawnbrokers according to a schedule that Detective O'Connor submitted to me of the pawn tickets.

Q. Did you pay the \$170? A. Yes.

Q. Who did you pay it to? A. I paid it to Detective O'Connor.

Q. You did not go to the pawnbrokers yourself? A. No, sir.

Q. You gave the \$170 to O'Connor? A. Yes.

Q. And he went and presumably paid it to the pawnbrokers and brought back your property to you? A. Yes, sir.

Q. After Mr. O'Connor done this for you did you make any proposition to him, personally to himself? A. No, sir.

Q. Any proposition about paying him something for his services? A. No, sir.

Q. What was said between you and O'Connor about giving him something for his trouble? A. Well, it is so long ago it is difficult for me to remember just the exact words; but it was to the effect that he had rendered us some very valuable services in securing these goods; and that if we felt disposed to do anything for him personally it would be very acceptable

Q. He proposed that? A. Yes.

Q. What sum was mentioned? A. Well, there was no sum mentioned; he said he would leave it to me.

Q. Did you name a sum? A. I did, yes.

Q. How much? A. I suggested giving him \$50.

Q. And was that acceptable to him? A. No.

Q. It was not? A. No, sir.

Q. How much did he want? A. He did not tell me he wanted any particular sum, but he said he did not think that was hardly treating him very liberal in consideration of the time and labor he had expended in recovering so many of these goods.

Q. So he wanted more; did you give him more? A. Yes, sir.

Q. How much did you give him? A. Gave him \$100.

Q. Did that satisfy him? A. Yes; he appeared to be satisfied.

Q. You offered him a check; didn't you? A. No, sir.

Q. Did you give it to him in bills? A. Yes, sir.

Q. At his request? A. I don't know that he requested bills; I do not remember whether he did or not.

By Chairman Lexow:

Q. Didn't you ask him what he was there for? A. No; I don't remember asking him that.

Q. Did he claim that he had done more than his duty as an officer? A. No; I don't believe he did; but he told me that it was customary if we felt disposed to give him anything, it was customary for people to do a little something for the detective personally.

Q. And you considered a \$100 a little something? A. Yes, sir.

By Mr. Moss:

Q. Didn't you draw a check, and wasn't that check cashed in order to get the money for him? A. Yes, sir.

Q. Did you not proffer a check to him first? A. No, sir; I did not.

By Chairman Lexow:

Q. Why didn't you? A. Why the check was drawn over at our factory; our bank account is kept in Newark, New Jersey; and a check was drawn there; I don't know why I did not proffer him the check; but I had the money to advance for the goods that had been recovered.

Q. Was the check larger than the amount that you gave him?
A. Yes, sir.

By Mr. Moss:

Q. Did you make an entry of these matters upon your books?
A. Yes, sir.

Q. And you have the return check haven't you? A. Yes, sir.

By Chairman Lexow:

Q. How much did you pay to get the goods? A. We paid a \$170.

Q. Does that include the \$100 you paid? A. No; I can tell you the amount of the check; I think I have it here.

Mr. Moss.—Just see, please.

Q. Then it cost \$270 to get a \$1,000 back? A. About that; yes.

By Senator Pound:

Q. Was this all one transaction with the detective; this \$170 and the \$100? A. Yes; the money was paid at the same time.

By Mr. Moss:

Q. The detective got all the money; the \$100 and the pawnbrokers' advance too? A. Yes, sir.

By Chairman Lexow:

Q. Just repeat as nearly as you can the words he used when he called your attention to the fact that it would bring your goods more quickly if you paid the pawnbrokers' advance? A. Detective O'Connor explained to me that we were not obliged to pay this money to the pawnbrokers; but he said it was customary to do it, and that a great many of the pawnbrokers were honest men and loaned this money honestly not knowing the goods were stolen, and it was no more than right they should get this money back; but he said, we do not pay it to all of them, we pay it to those that are honest and those we think are crooked we get the goods any way without paying them.

By Chairman Lexow:

Q. Then he declared to you that he could get the goods without paying for them, did he; and it simply depended upon his construction as to whether certain pawnbrokers were honest or dishonest, whether he would pay them or not? A. Yes; he told me he could get the goods from certain pawnbrokers, and they had information from these parties, and could get the goods on the strength of this information; that is the way I understood it.

Q. What was the impression his conversation left in your mind; what was the impression you took from what he said? A. The impression was some of the pawnbrokers were honest men, and some were not, and the police department knew those that were not honest, and they had information against them that could be used to compel them to pay this money if required; and if they did not use this information, they would not pay it.

By Chairman Lexow:

Q. In other words you believed the police department had information in their possession that certain pawnbrokers were criminal? A. Yes; the check was drawn for \$315.

By Mr. Moss:

Q. How can you account for that? A. I have the return check here.

Q. How do you account for the discrepancy here? A. The items from each cash-book showing disbursements of the money.

Q. Can you tell the items now? A. Yes.

Q. Let us have them please? A. There was \$100 on it and recovering goods from pawnshops, \$170; detectives for services, \$100; five dollars my personal expenses, leaving \$40 in cash, which was placed in our cash-box at the factory of the \$315.

The Chairman.—That is all.

Vincent Majewski, called as a witness on behalf of the State, being duly sworn testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? A. Three hundred and forty-nine One Hundred and Fourth street.

Q. West or east? A. East.

Q. How long have you resided there? A. I lived there since 1893, the 3d of July.

Q. The 3d of July, 1893? A. Yes, sir.

Q. How long have you resided in New York? A. In New York since 1878 — 1877.

Q. And how many years have you been in this country altogether? A. Since 1876; in the Philadelphia Centennial year.

Q. What has been your business in New York? A. In New York I had a cigar store, and bird store, and I got sometime dog fancier — like that.

Q. Where did you have that bird store? A. The bird store I had it, Thirty-second street and Eighth avenue.

Q. How long were you engaged in the business of dog fancier and bird selling? A. Over a year and a half; in birds about five years altogether; and after that I had only dogs.

Q. After you got through with dogs, and your birds, and your cigars what business did you go into? A. Then I was in a cigar store, last time on the Bowery and Great Jones street.

Q. After you got through with your cigar business what business did you go in? A. I went into the policy business.

Q. I want you to tell the committee how you first got into the policy business; just tell them how you got in, and after who worked for and where you worked? A. Well, first I gradually started in the policy shop; I was in Great Jones street cigar store, and I had a policy shop; the first time I went on Great Jones street in the cigar store the front up-stairs was headquarters, and back was policy shop.

Q. The headquarters of the policy shop? A. Yes.

Q. Let us stop there; when you say the headquarters of policy, what do you mean? A. That is, the backers headquarters of policy.

Q. Had you any connection with the policy business yourself while you had your cigar store? A. I did not have it at present; nothing at the time; only the cigar store.

Q. And you were in the same building? A. Yes; the same building.

Q. Then there was a policy shop behind your store? A. Yes, sir.

Q. And the headquarters of the backers upstairs? A. Yes, sir.

Q. Who was the backer? A. William Morton.

Q. Did William Morton go by any other name? A. No, sir.

Q. Now can you describe the headquarters, how the headquarters are conducted? A. Well, the headquarters is the oldest policy shop in the city; the writers, they bring many times, half-past 12 their books, what they took in, and then they get a return about 2 o'clock or 3 o'clock, and they then get the money paid if anybody got hits.

Q. Anybody got hits? A. They win any money, anybody got the winning numbers. ,

Q. The writers bring their books there at 12 o'clock? A. Yes; half-past 12 every day.

Q. And they bring the returns of the moneys they have received? A. Yes.

Q. And then at what hour is it known whether hits have been made? A. About 2 o'clock; about five minutes after 2.

Q. The winning numbers are then given out? A. Yes, sir.

Q. From headquarters? A. Yes, sir.

Q. And those slips containing the winning numbers are sent to the various policy shops in the city? A. To all policy shops in the city.

Q. What do you call the men who go with the winning numbers? A. The runners. ,

Q. Now tell us how you got into the business; just continue your narrative? A. After Mr. Morton I supposed went--asked me to pay the rent of that store, what I got the cigar store; I said, "I do not work for that; I do not think to pay any rent; I have to transact all business going in and out," and so he said, "You better get out;" it did not take me long to take my stock out and went, and four or five weeks from such I didn't do nothing; I said to him, "I didn't do nothing;" he said, "You can start a place and they opened one for me up in 341 East One Hundred and Fourth street; I was working there—

Q. Wait a moment; you say the backer, Morton, opened this store for you? A. Yes, sir.

Q. At 341 East One Hundred and Fourth street? A. Yes, sir.

Q. You said something about you did not know whether you would be let open it or not; what did you mean? A. Well, then to go first to captain and inquire when they can open.

Q. That is, the backers have to go to the captain of the precinct? A. Yes, sir.

Q. And inquire if they can open another policy shop in that precinct; is that it? A. Yes; that it is.

Q. That is what you meant when you said you did not know whether you would be let open or not? A. Yes; that is it.

Q. What did Morton say to you? A. Morton did not speak to me; it was only his manager.

Q. Who was his manager? A. I don't want to name his name.

By Senator Bradley:

Q. You will have to? A. Pete Ward.

By Mr. Goff:

Q. It was with Peter you dealt about the business? A. Yes.

Q. Well this store was opened for you? A. Yes, sir.

Q. At 341? A. Yes, sir.

Q. What was the terms of the business you were engaged on; tell the committee that? A. Well, I shall start it, and after I have made a book they helped me a little to start it; on account of the commission of 12 1-2 per cent. I could not live there.

Q. That is 12 1-2 per cent. on every dollar you took in? A. Yes; so I could not start a business this way, and he says, "We will help you," and then they make me out to bring the books myself at dinner-time and night.

Q. You had to bring them twice a day? A. Yes, sir; and they paid me the car fare, \$1.20 a week, nothing else; and in five months I came to headquarters and I spoke to Morton plain; I say, "Morton," I said, "I can not stand this way; I don't get much, and you ought to lend me something for five months up and down; I did not have a regular dinner, and even supper; he says to me, "God damn, I think that place don't pay enough; I have a notion to close it up;" and it was, I think, on the 28th or 29th of November.

Q. Of what? A. Of November of last year; it was five months over there after I started; I said, "If you don't want it. I don't care; I can get other work;" I said, "Won't you allow me nothing? you can allow me \$20, I am sure;" I said, "I have to leave;" he says, "No; go to hell;" well, I went home; "No," he said, "Go to hell out of here;" well, I went out, and went to Parker.

Q. When they opened this place at 341 East One Hundred and Fourth street, did the police of the precinct know? A. Oh, certainly; they know.

Q. Who was the captain in that precinct? A. Captain Westervelt.

Q. He is there yet, isn't he? A. Oh, yes.

Q. How do you know now that the police knew you opened that policy shop? A. The policy shop can not be opened unless they report first to the captain.

Q. They must report first to the captain? A. First; before they open any shop.

Q. Were they visited by the wardman of that precinct? A. Oh, yes.

Q. Were you visited there shortly after you opened? A. Oh, about, I think about two weeks around; outside of that they did not know, I suppose; he came up.

Q. The wardman? A. No, it was not the wardman; a policeman; I knew him from seeing him; he comes up.

Q. Was he in civilian clothes? A. Yes, citizen's clothes; he came up the first time, and says, you have got a policy shop; he came first and I said, "Give me a gig; give me one play;" I say, "All right; what is it;" he says, "9-19-29" that is a dead gig, so as soon as he said that, then I put it down; now, he said, "I am an officer and have full power to take you in" (witness opening his coat.)

Q. You opened your coat there; are you imitating what the officer did? A. Yes, sir.

Q. He opened his coat? A. Yes, sir.

Q. And what did he show? A. A badge; he says, "I can —."

Q. A badge and shield? A. Yes; he said, "I can take you now;" I say, "You can take me;" you are here; you pass here some time; you know I was fresh man; he did not know I used to see him pass in uniform; I said, "You can not do nothing; go on;" he says, "How can't I do nothing; did you report it in the house that I got a policy shop."

Q. To the station-house? A. Yes; I said to him "You can not do nothing;" he said, "Why, can not you see the badge;" I said, "You are a regular policeman; you are not the wardman;" he said, "Did you report it to the house;" that is, the station-house; I said, "You know very well, we never opened before that;" then he says, "You are a very smart mock;" I say, "Never mind; you mind your business and I mind my business;" he said, "Can not you borrow me five dollars — I should lend him five dollars; well, I say, "I am too young; I

do not make enough money here to give you anything;" he says, "Well, I let you go this time;" and I laughed.

By Senator Bradley:

Q. You left, or he left? A. I went out and he left; I laughed.

By Mr. Goff:

Q. When he showed you his shield and told you he could take you along with him, did you feel sure he could not, and would not take you along? A. Certainly.

Q. How did you feel sure about it; what made you feel sure; you knew you were violating the law, didn't you; you knew it was against the law? A. I know he is a policeman from the station-house, so I am not scared then.

Q. So you felt perfectly safe? A. Certainly.

Q. That he, being a policeman from the station-house could not do anything? A. No.

By Chairman Lexow:

Q. Why? A. We have got a privilege to open.

Q. You received a license, I suppose? A. That is so much I understand.

Q. As you understand it, you had gotten a license? A. Yes; certain; the backer gets it, not me; we are not scared we are arrested; the backer will get us out in five minutes.

By Mr. Goff:

Q. What is that; you are not scared? A. No; the backer has to come and get us out; in a short time the backer will be there and get us out.

Q. Do all the policy writers of the city understand that when they are allowed to open in a precinct they are protected by the police? A. Yes, sir.

Q. Now, how are they protected; can you tell us; do you pay them anything? A. Oh, no; the backers have to pay.

Q. The backers pay? A. Yes, sir.

Q. At what rate do the backers pay? A. Well, so much, I understood when I was in headquarters, that it is about now \$20 each shop; before it was only \$10.

Q. Twenty dollars a month? A. Yes, sir.

Q. On each shop? A. Yes, sir.

By Chairman Lexow:

Q. And before that it was only \$10? A. That is what I understand.

Q. So they have raised the privilege? A. I understood Captain Devery raised it; that is what I understood from headquarters.

By Mr. Goff:

Q. Captain Devery raised the ante? A. Yes; he raised the ante.

Q. Do you pay the backers anything of that \$20 a month for protection? A. If the writer is on interest in a book they take off for protection, and rent, and everything, and then what is left of the winning, he gets 25 extra of the percentage.

By Chairman Lexow:

Q. Twenty-five per cent? A. Yes.

Q. One quarter? A. Yes; of the profit

By Mr. Goff:

Q. Do you make entries in the books about protection? A. No; we do not make that; I suppose it is from headquarters we get.

By Chairman Lexow:

Q. You mean in the lottery headquarters? A. Yes.

By Mr. Goff:

Q. I mean that you, as a policy writer, do you pay anything to the backers on account of the backers paying the \$20 a month to the police? A. No; we do not pay extra only for if some work on commission; some work on interest and commission; some work only for entire amount.

Chairman Lexow: - He testified, first, they deducted the protection money, and then rent money, and then the balance that remained there was divided, 25 cents going to the writer.

The Witness. - Yes.

Mr. Goff.—That is it as I understand it.

Mr. Lexow.—So the whole amount of protection money was first deducted from the amount they got of the receipts.

By Mr. Goff:

Q. Now, how long did you remain in 341 East One Hundred and Fourth street? A. Right straight to the first of July of this year.

Q. And how did you come to leave there? A. Well, I left there on account, on the last of November; why I stopped with Morton and went with Parker.

Q. Who is Parker? A. Another party of the policy shop; another backer.

Q. How many backers are there in New York? A. Oh, you can count; may be what I know, 17 or 18.

Q. Seventeen or eighteen backers? A. Yes.

Q. And these backers controlled the whole policy business of the city? A. Every one his own part; every one got his own place.

Q. Is there not a combine in some of them; a big combine? A. No—well, they combine this way about the prints; that is, only one that is out of there is Parker.

Q. He is not in the combine? A. No, he is by himself; he is independent; he has got his own prints; and others combine with the prints.

Q. But Mr. Parker is outside of the combine? A. Yes.

By Chairman Lexow:

Q. Do you mean to say each man has his territorial rights in this city; he has certain districts that belong to him? A. In some places there is; but in some places there is a couple of backers that go together; some captains won't allow more than one man to go with the other.

By Mr. Goff:

Q. In some precincts only one backer of policy shops is allowed to open? A. Yes; that is it.

Q. Do you know any precinct where for instance the backer has a right to open policy alone? A. So much I know Parker does not go on the west side from Fourteenth street so far as Harlem; he does not go on the west side.

Q. Harlem river; let us understand; Parker has no policy shops in the territory from Fourteenth street up to the Harlem river; on the west side; is that so? A. Yes, sir.

Q. Who are the policy backers who have the policy shops there? A. Al Adams is the king there.

Q. Al Adams? A. Yes.

Q. And what is he called? A. The king; they call him king.

Q. King of the policy dealers is it? A. Yes, sir.

Q. And he has got control of that territory? A. That is right; he won't let any one new come in there.

Q. No one new can go in that territory? A. No; no different backer.

By Chairman Lexow:

Q. How does he stop that? A. Well, if outside backer opens it he goes to the captain, and what he do when he put a couple of places around him and freeze him out.

Q. How do you know that; how do you know he goes to the captain and gets the captain to freeze the person out? A. On account I have been in headquarters, and have been in the policy shops, and I know they can not open positively a new place without the privilege of the captain.

Q. You mean that is the general rumor or the general understood custom in that particular branch of the business? A. Yes, sir.

By Mr. Goff:

Q. And you have heard it spoken of? A. Yes, I have heard it spoken.

Q. At headquarters? A. Yes, sir.

Q. Among the policy men? A. Yes; and that piece of paper prove it too; there is a little piece of paper from Parker that says it.

Q. Tell us why you went to work for Parker? A. I went to Parker and said, "You want to take my book?" I explained my business with Morton, and he says all right.

Q. What did you explain your business with Morton? A. That Morton would not pay me, and I have to run with the books down town, and it is too much for me, and if he wish for my books he could have my books, and he said all right; and so I wrote two days and one morning Wardman Smith came up

and said, "What is the matter; who took your book?" I said, "Parker."

Q. Wardman Smith came to you? A. Yes.

Q. Was this at the same place, 341 East One Hundred and Fourth street? A. Yes; this was in November.

Q. And after you changed from Morton to Parker, Wardman Smith came to you and asked you who made that book? A. Yes; who took my book; I said Parker.

Q. You said Parker? A. Yes; so he went out, and the next day he came again, and he says, "Morton sent up," and Smith came and said, "Morton wants the book and you shall give them the book;" and I said, "To-day is already the third."

Q. You say that Wardman Smith told you on the second day he visited there that Morton had sent up and said you must write his book? A. Yes; to give that book to him back.

Q. To give the book to Morton? A. Yes.

Q. And not to Parker? A. Yes, sir.

Q. That is the book you wrote for the chances? A. Yes; the policy, that take the chances.

Q. That is, we have it, gentlemen — pardon this witness' language, but see if I interpret it correctly; that a wardman, a police officer of the city of New York, went to this man engaged in an illegal business and said that he would have to transfer his book from one backer of policy to another backer of policy; is that right? A. That is right.

By Senator Bradley:

Q. Wardman Smith? A. Wardman Smith.

By Mr. Goff:

Q. Well, what did you say? A. I said, no; I would not do anything of the kind; after I stopped with one man I would not go back with him; and another thing, he did not send the rent, and I have got the pay for the rent already for that place from Parker; that he went out, and Parker came next day morning; he says, "Majewski, I can not take your book."

Q. Parker came? A. Yes; "I can not take your book and dasn't take it;" I says, "How is that?" he says, "The captain raise hell for me, and if I take it he close my place, and I don't touch your book;" I said, "Never mind the captain; I go to him, and I give him my idea about what he think with

me;" so he says, "I go back;" and I watched him, and he went to the station-house back, and he came back again and he said, "Never mind, I take it now, but don't give me book again; I don't tell anybody I take your book, but afternoon I don't take it, Frenchy."

Q. He called you Frenchy? A. Yes; a nickname.

Q. That is how you are called among the backers? A. Yes.

Q. When he came back from the station-house, what did he say? A. He said, "I don't take more your book, no more, on account of the captain close every shop in his precinct."

Q. The captain would close every shop of Parker's in his precinct, if he took your book? A. Yes; I said, "Never mind; you be quiet; I fetch your books out;" he said, "You are not able;" and I said, "Never mind; I go to the captain myself;" he said, "Do not go to him; he is too wild;" I said, "Never mind."

Q. What was he wild about? A. On account that Morton wants that book, and Morton ran around; and I can prove it.

By Mr. Goff:

Q. Morton then had the privilege, the only policy man that could open in that precinct? A. Oh, no; he had it first; that was his own book first.

Q. And the police did not believe in competition; they believed in your sticking to the men you were with; is that it? A. Yes.

Q. After you told Parker that you would go to the captain and see it was all right; what did you do? A. Well, I went — Smith came after that.

Q. The wardman? A. The wardman, yes; he says, "Well, what you going to do now?" he said, "The best thing, you give this to Morton, may be he settle with you; may be he pay you what you want."

Q. Smith said? A. Yes; I said I would not do anything; if I split with a man again, I won't go to work; he said, "You did not do anything wrong;" I said, "It don't make any difference; I won't go any more;" he said, "What you going to do?" well, I went to the captain.

Q. This was Captain Westervelt? A. Westervelt; well, I would not say nothing wrong; the first thing I said, "Well, Smith has been talking to me so nice, and so I sent my sister with that book to Morton; I sent that book to Morton, and they don't accept that book."

Q. Now let us have that; just tell us what you said to Captain Westervelt again? A. No, not yet; after, yes; so I sent my sister to Morton, and they did not accept my book.

Q. You sent your sister to Morton with the book? A. Yes, and letter to send me the rent.

Q. And asking your rent be sent? A. I wanted the rent and settlement; so they did not accept that book; they did not take it; well, at night the same thing, I sent another with the book that I have before I go to the captain; somebody has witnessed I sent the book; he came back by 6 o'clock; it was a heavy play; I guess I had three dollars, two gigs for \$1,000, and I was scared there was trouble; so I went with my sister with my books the morning, and I said, "Captain there is the books."

Q. Did you go with your sister to the station-house? A. Yes, to the station-house right in.

Q. And you saw Captain Westervelt there? A. And we had been called in his office.

Q. Do you mean to say that after your sister went to see Morton and asked of Morton for the rent and a settlement and he refused it, that then you and your sister went with the books to the station-house? A. Yes, sir.

Q. And you saw Captain Westervelt? A. Yes, sir.

Q. Tell us just what you said to Captain Westervelt, and what he said to you? A. Well, I walked in his little room, and I had those two books, the morning book and the night book; I said, "Here, captain, here is my sister; Morton won't take it and I don't want to stand if there be any hit, and you have to be responsible for trouble."

Q. If there be any hitch? A. Any hit, any winnings; so he says, "Give me that;" he took those two books and he looked at both, and he says, "I tell you what I do with you;" he said, "Did you go yourself to Morton;" I said, "I sent my sister, she is here, and they don't take it, and that is a letter I sent to Morton if he pays the rent;" "I told you once you go yourself; if you don't go to-morrow yourself to Morton I come and lock you up and send you to the Island."

Q. That is, Captain Westervelt said to you? A. Yes; "If you don't go personally to Morton to-morrow I send you to the Island;" I said, "That is time enough;" and he said, "Get out of here;" I said, "Time enough;" I was not scared for him.

Q. And the captain told you to get out of there? A. Yes, sir.

Q. You spoke about a letter you had written to Morton? A. Yes, he looked at everything; he looked at everything.

Q. Have you got the letter here? A. Oh, that letter I sent about the rent, I don't think so; may be it was there; I don't know; it may be there.

Q. Is that the letter you showed to the captain? A. I don't know —

Q. No, that is not the letter you wrote to Morton; is that it? A. No; that letter is not here that I sent.

Q. All right then, we will go on; well, the captain told you to go out, you say? A. Yes; and go to Morton.

Q. Well, did you go out? A. Well, I went home, and then Smith came.

Q. Wardman Smith came again? A. Came again; he says, "I spoke with him;" I say, "Look out there; I don't like to go; I won't go; now what is the trouble; and I guess there is a letter in there; why I say, as a stranger to me, the captain is a stranger to me, that you force me to go back to Morton; I think that letter must be there."

Q. A letter to whom? A. To the captain.

Q. Did you write to the captain after you left the station-house? A. After, yes.

Q. You wrote the letter? A. Yes.

Q. Now is this the letter or a copy of the letter you took at the time? A. Yes; only a copy; I guess that is that.

Q. That is a copy of the letter? A. Yes.

Q. And you made the copy at that time? A. Yes, sir; I kept every time a copy on account if they don't answer.

Q. You kept copies of the letters that you sent? A. Yes.

Mr. Goff reads:—"December 26, 1893. To the captain: It is curious to me that you want to force me to give my books to Morton when he does not pay up or settle with me in any manner or does not send for book. I kept the book to-day till 20 minutes to 1, and no one representing Morton called. If you wish to close this place please let me know so as I may look for my bread some place else, or if Morton comes and squares up he shall have the book."

The Witness.—That is it.

Q. Now you sent the letter of which this is a copy to Captain Westervelt? A. Yes, sir.

By Chairman Lexow:

Q. Do you know he received it? A. Oh, certainly.

Q. How do you know it? A. Well, by mail.

Q. You put a postage stamp on the letter? A. Yes.

Q. And sent it to the police station-house? A. Yes; to the police station-house at police headquarters.

Q. Did you ever hear of that letter again? A. Some different letters; that is when I came to the point, and Smith he came up, and I said to Smith, "Now you got more show with the captain to talk; I don't want that trouble much; I will do something if you bring me loose; I will go where I like it."

Q. You will do something if he brings you influence so you can go where you like with the books? A. Yes; I do not care about 5 or 10.

Q. You did not care about 5 or 10 what? A. Dollars; and Smith came in the morning and said, "I got good news; there was a full crowd there; the fellows were playing policy there still."

Q. Were you playing policy when Wardman Smith came in the next morning? A. Oh, yes.

Q. You were playing policy in that shop when the wardman came in the next morning? A. Yes, .

Q. And he saw that playing? A. Yes; oh, that is nothing.

Q. When you came in what did he say? A. He said he had good news for me; he said, "You can go where you like to;" "well," I say, "here, that is good enough, now I go back right to Parker;" I took book, myself and went to Parker and said, "Well, Parker, didn't I tell you I would get even with the captain;" he said "Why;" I said, "You come take the book; he said, "Did you get through;" I explained that I went to the station-house, and told him that he would throw me out to the prison, and I told him it was time enough to get me there, and did not do anything; he shook hands with me and took the book and counted it, and said, "I am glad you got victory of the captain;" I said, "That shows that you haven't enough courage when you pay so much money to Parker; you did not have enough courage."

Q. You said to Parker, "You do not have enough courage when you are paying so much every month?" A. Yes; he said he did not want to have trouble with the captain.

Q. I find a letter of December 27th, two days after you addressed your letter to the captain, and ask you if that is a copy of the letter you sent to Morton? A. That is to Morton; that is the one; that is the copy to Morton, December 27, 1893.

By Senator Bradley:

Q. After Smith brought you the good news that you had gained the victory over the captain, did you give him the \$5 or the \$10? A. I gave him the \$10.

Mr. Goff reads: "Mr. Morton, the captain has ordered me to send my book to you, so send some one to-night for my book and to let me know for how much I am working for.—Frenchy, 341 East One Hundred and Fourth."

The Witness.—Yes; that is to Morton.

By Mr. Goff:

Q. Now, you were to the point when Parker shook hands with you, and told you he did not want to have any trouble with the captain? A. Yes.

Q. What took place next? A. I started right for Parker.

By Chairman Lexow:

Q. You said he opened your book and looked at it? A. Who?

Q. Parker? A. Well, he looked at it, and at the same time there was no hit, no winning; he says, "You can have it for you;" I told him, "How you fix it?" and I told him I gave wardman \$10, and he said that book you can keep for it, and to-night we start anew.

Q. How much was the book that day? A. I guess \$14.50; that was only morning..

By Senator Bradley:

Q. That was the book you took to the captain; there was three gigs that called for a thousand dollars? A. Each for a thousand dollars..

Q. Did you ever play the "Washerwoman's gig much? A. I don't know.

By Mr. Goff:

Q. I call your attention to a letter I have here, of a date before you gave up your book to Parker, a letter that you sent

to Morton. (The witness shrugs his shoulders.) We will have to bring it out.

Chairman Lexow.—You must understand, witness, that we do not know anything about this, and we want to know all about it.

Q. Was that a copy of the letter you sent to Billy Morton; just look at it? A. Yes; that is in my writing there.

Q. That is your own name and writing? A. Yes; but I can not write plain English; but that is my own name that he knew, I said it to him.

Q. That is your own handwriting? A. Yes, sir.

Q. What is the handwriting of this? A. A young fellow; he wrote for me all the time; I could not write plain English, but I signed it, because he know I sent it myself.

Mr. Goff.—We will read this: "December 22, 1893. Billy Morton, I cannot understand what you mean by running to the captain at all times and crying like a kid for this office, because you said a month ago that this place would not even pay the rent, and you had a notion to close it up, and when I asked you to allow me for running for five months your book, you told me to get a hell out of the place. I sent my sister to you to see if she could get the rent, and to tell you to call for the books. You did not. And by letter twice, the same. You seem like a child who would lose a thing and would cry to its mama, "Give me that; give me that." But what can I expect of a miser if he saw five cen^t in the hole he would go to get it. Although poor, I can afford to make you a present of the money, which by right, should be mine; you are well aware that my commission was a paltry \$2.70 to \$7 a week. I said nothing, thinking that when I asked you an honest allowance, you would do it like a man, but you care nothing for the poor as long as you get your own throat full. You go to the captain if you like, for I was there last night, and will soon see who is the victor.—Vincent Majewski, 341 East One Hundred and Fourth."

Q. That was before you went to Captain Westervelt you threatened, to go to him when you wrote this letter? A. Yes.

Q. The second time you went to the captain and that you proved the victor? A. Yes.

Q. Now, while we are on the letter business, I have some notes here; how long did you work for Parker? A. I worked till the 1st of July.

Q. The 1st of July, how many months? A. That is from November to the 1st of July.

Q. Now I hand you these three letters here and ask you from whom you received those letters? A. They are all from Parker; there is his name.

Q. They are all from Parker? A. They are all from Parker; well, it shows here, right here, that is from Parker.

Q. And you received them from him in connection with your business? A. Yes, sir.

Q. These letters are undated, consequently I will have to read them without regard to their order of time; "Frenchy, I do not think it would be good judgment to throw the jig up; I think we ought to wait until this trouble is over."

Q. What trouble do you refer to? A. That was the trouble the time that the journals or newspapers exposed the whole policy shops and worked so hard, and they were running after us, and I came to that point, I gave Parker the place; he had one place there against him; that is why I wrote to Morton; he had against me one party on First avenue, and one on the Parker book and said that place you have to remove, and he said, I will remove it if you give me the book, and he did not do it, so I was kicking about it always.

Q. "This trouble is over; I have always tried to treat you like a man; if you do not want to do business with me I have no objection; if you wish to change your backer, but I hope you will settle up with me and leave me like a man; you are so excitable you do not stop to look at things of the past; hoping you will see things as I do and have patience, I remain, yours entirely, P;" that is Parker? A. Yes, sir.

Q. Now there is another here, "Friend Frenchy: I understand from good authority that you are splitting your book and giving it to another backer. I can not stand that, you know. I got in a good deal of trouble when I took your book. I hardly think it square to treat me so. I also heard that you refused to pay a hit that was not in my book, but the book will hold out. Kindly let me know by mail or know by the runner if what I heard was true. I will not want anyone to know outside of you and I what I have written you about. There

are so many stories going about I am sick of listening to them. Yours truly, C. B. P." That is Parker? A. Yes, that is the last one; the one you have in your own hand was before.

Q. I see; this came before in the order of time; you received this before the one I have just read — the one I am about to read now? A. Yes, sir.

Q. "Frenchy: In answer to your letter, you say I can not afford to allow any interest to anyone at present. There is too much expense attending the running of the business. I will, however, allow you \$25 for the expense of sitting up store, \$10 each month, extra for expenses. You must reduce your dues and keep them down. If you are not satisfied with this proposition, I can not do any better. I must live the same as the writers. My business has lost the last three months over \$3,000." That is from Parker? A. That is from Parker.

Q. While you run there for the period of time that you have stated were you visited by Wardman Smith? A. Yes, Wardman Smith and Wardman Mooney, and another one; he did special duty; I forgot his name — Ward or Wall, or something like that; they used to be on special duty; they used to go and order us to keep clear; it is a hard time with us now, and don't get caught, and so on, this way; they came up to their offices — policy shop.

Q. Was that the time the newspapers were printing about the policy shops? A. Yes, sir.

Q. You say during that time the wardman came to you and all the policy business, and told you to be clear and watchful? A. Yes, sir.

Q. That they had to keep watchful; is that it? A. Yes; that is what the purpose is; that is about the expense.

Q. How was the expense incurred, the increase of expense at that time? A. You know some places they have to put a watchman in front of the door and not let a stranger up, and so on, and be watchful that this man should not catch on, and the man at the door was paid, and that increased the expense.

Q. So when the newspapers got after the policy shops you had to put men in front of the door to watch? A. I never put any before the door.

Q. And the business ran down so that this letter from Parker says he lost \$3,000 in three months? A. Yes, sir.

Q. Did you hear while you were running the book for Parker there, did you hear anything further from Captain Westervelt? A. Well, about what?

Q. About the policy? A. Oh, he—he never referred to the fellow that opened around the corner from my place, another place on Second avenue, and about four places around there; so suppose I took this way that I didn't do his will, and didn't go to Morton, he would freeze me out, and he put all around, and I went up to make a complaint.

Q. You went to the station-house to make a complaint? A. Yes, sir.

Q. Let us see a moment; after Morton? A. That was with Parker.

Q. After you refused to give your book to Morton, you say Morton opened three places around you? A. Yes; Morton opened only one around me, right close away, and the same place stayed there, and the Parker fellow just off from Third avenue, and he came in the second place, and the captain let him come there, and another fellow from Third avenue came on One Hundred and Sixth street, and I was freezed out, and was surrounded, and I was only in an Italian block, and I complained of the people going around; I was always square, and I did not care.

Q. You say you complained to the captain? A. Well, when I went in Smith said, "What do you want?"

Q. You met Smith there at the station-house? A. Yes; I said I wanted to see the "Old man."

Q. Who did you mean? A. Westervelt; he said, "Don't bother him;" he said, "What is the matter;" he said, "You have to stop;" I said, "didn't you say they would be closed up, that they would give me my show; I was the first man in the neighborhood, and now you close me up for spite, and he said, "take a patience, and be all right;" and I took a patience from March to July, and couldn't do any more.

Q. You took the patience that the wardman advised you to from March to July? A. Yes; and Parker said you go and tell Smith you close them up, and make some excuse; and they pelled me around like a fool, and I closed it up myself.

Q. Did you see the captain yourself during this time? A. Before; yes; he had been in my place twice.

Q. The captain had? A. Yes; himself; but the papers exposed so hard, we came up there twice.

Q. After the Journal papers exposed it? A. Yes.

Q. Was your place in the Journal paper? A. Yes; it was there.

Q. And the captain came in after this exposure? A. Yes.

Q. What did he say to you? A. Well, we were all right sitting there, and he said, "What is going here;" well, I said, I didn't say any friend of him; I said nothing; he looked around and looked around in the store, and he winked me out; all the people knew him; most of them knew he was captain, and I went in front of the door; and he said, says he, "Look out; was any reporter here; did you see that in the News;" I said, yes; I said to him, that is nonsense, that is a lie, and was not true; he said, I can stay there; I said, I never had a conversation with a reporter, and he said, a woman came there and talked for fear that wasn't true, as I spoke myself.

Q. The reporter was right, as far as the place was concerned? A. Yes; and he said, "What he said to you;" he asked me; and I said, "If he wanted a cigar, and if he don't want a cigar he go out; and he says, he didn't say anything; I said, you need not be worried; he did not touch me.

Q. The captain asked you what the reporter said? A. Yes; and I said he asked me, and I told him I don't know, and the reporter asked me if it was a policy shop before, and I said, I understood there was before, but the captain is so tough he closed it up.

Q. Is that what you said to the reporter? A. I said, yes; I said to the reporter so; "You look out."

By Senator Bradley:

Q. The captain said look out? A. Yes; and he went away to the store.

By Mr. Goff:

Q. While the captain was in there were there people in there playing policy? A. They were sitting around; they would not play when he came there.

Q. Now, you had a visit from the captain the second time, didn't you? A. Yes; the second time he came up I was not present; and when I came home, my sister said, "Captain was here."

Q. Your sister told you the captain was there? A. Yes, sir; and she said, "Are you sure of him?" and I said, "I know it; what did he want?" he wanted me to come up; she says, "No; we ought to move out of this house, and not to live so close here; we shall move out;" I did not bother about that.

Q. You did not bother any more about the captain? A. No.

Q. You were not to be frightened at the captain? A. No.

Q. Or of the police in that precinct? A. No.

Q. Why is it you were not frightened of them; why is it you were not afraid of them? A. We were under police protection and writing.

Q. You had a right to? A. Yes; we had a right to protection.

Q. Under their protection? A. Yes, sir.

By Chairman Lexow:

Q. Do you understand that because the police were giving you protection there, that what you were doing was lawful and proper? A. Oh, that is what you mean against the law.

Q. Yes; did you understand that because the police protected you in what you were doing, that the acts you were doing became thereby lawful and proper? A. My opinion, I was only a workingman, and so long as they came in the place to write, and the captain knew it, and the policemen were supposed to do what was right to start it, I thought it was right if he allowed it.

Q. You thought it was right, because you had obtained that privilege? A. Yes, sir; that was an important point; I said, "No matter why they go and make a complaint about policy shops; no matter if you go to Superintendent Byrnes, the policy shop would never be closed up."

By Mr. Goff:

Q. How do you know that? A. On account of two letters I sent to the superintendent; and I was myself 27 years last month in his place, and complained; "Well," he says —

Q. Hold on; let us see; you said you wrote letters to superintendent; when did you write them; was it while you were working for Parker, or after that? A. When I was working for Parker; about that — I have to explain how I came to write; so that young man who was helping me along that time, he wrote my letters.

Q. A young man that wrote your letters? A. Yes, sir; he went with me, and he says, "Why not write to him?" you know when I sent to the captain about them places.

Q. To close up the other places? A. Yes; that they tried to freeze me out; and he says, "If Superintendent Byrnes only knew, he close the whole place up."

Q. That is the young man that is with you? A. I said, "You foolish man;" I said, "I can prove you he won't close it up; I don't care a pinch of snuff; I can prove it to you;" he tried to be the smartest fellow in the city, that young fellow; I guess Mr. Moss knows him; and he says, "Superintendent Byrnes close it;" I said, "You write a letter to Superintendent Byrnes about the policy shop;" and he said, "Yes; I will do it for you;" he says. "Shall I put your name?" I said, "So long as I write, don't put my name or the house;" he wrote about four letters, and I went and mailed two letters, and I said, "I prove to you that he get it."

Q. You proved to this young man that wanted to be the smartest man in New York city? A. Yes; that he would not pull anybody, and he said, "If he get it you find it out."

Q. Did you mail the letters to Superintendent Byrnes? A. Yes, to Superintendent Byrnes.

Q. Where did you direct them to? A. To police headquarters in this city, to Superintendent Thomas Byrnes; I have a copy there.

Q. Did you have copies of them made at the time? A. Yes, every time; first young fellow wrote with the pencil and then with the ink wrote to the captain; that is with a pencil (indicating), and you know some mistake; and I told him if he makes a mistake, that he had to better that, he had to read first to me before I let him write another, and I said, and you find it out whether they be closed up.

Q. Can you say that these two letters handed to you are copies of the letters which you mailed to Superintendent Byrnes? A. Yes, sir.

Q. And they were written first, and then the letters to Superintendent Byrnes taken from these? A. Yes, they were first written and from that letter to Superintendent Byrnes.

Q. These were the drafts, so that we have it, these are the original letters, copies of which we sent to the superintendent? "New York, August, 1894. Dear Sir."

Chairman Lexow.—August of this year?

M. Goff.—That is what the figures say.

By Chairman Lexow:

Q. Is it 1894, this year? A. Yes, sir; this year; that is the last one; that one is first you have there.

By Mr. Goff:

Q. This is the 7th of the fifth month, 1894? A. That is the first one.

Mr. Goff.—Then we will read the first.

By Chairman Lexow:

Q. Seventh of May, 1894? A. Yes, sir.

Mr. Goff reads.—“Seventh May, 1894. Dear Sir.—On the 25th of April, I took the liberty to call your attention to a lot of policy shops in existence in my neighborhood.”

The Witness.—Before that letter, I sent one before, another one, which is lost, the copy is lost.

Q. You had sent a letter to the superintendent before this one? A. Yes, that is three altogether, I think, to the superintendent.

Q. But that letter is lost? A. Yes the copy of that I lost.

Mr. Goff, reads.—“Policy shops in existence in my neighborhood, located at 2038 First avenue, 2016, 2005 Second avenue, 1980 Second avenue. Thinking that the fearless in which you always performed your duty, would encourage you to attempt to close them up, but up to the present time, they are still in existence, carrying on their low-lived business of robbing poor people of their hard-earned money. The worst of these places is located at 2095 Second avenue, because that man's wife goes to the people in the houses in the vicinity of his place, encouraging poor men's wives to play the robbing game. I earnestly hope that I will not have to send copies of these letters to the newspapers, but that the police department, in which I am a firm believer, as long as it remains under the guidance, of fearless and honest men, like yourself, will close these disreputable places, thereby giving to every citizen the protection which the laws of this State, entitles him. Yours truly, Ch. Hardy.” That is the first.

By Chairman Lexow:

Q. Did you dictate that letter? A. Yes.

By Mr. Goff:

Q. Let us read the other letter, first — oh, first, did you have any reply from the first letter you sent? A. I guess I can swear to it, first or second; I could not swear to that only after one letter, but which one — I think that is this one: Smitty came up to me; he says, “Now, Frenchy, they get suspicious on you sent down town the letter;” I said, “What letter; what is the mat-

ter?" he said. "Now, about them places; you know you go a little quiet;" I said, "What you talking; I did not send any letters?" I said, "What kind of letter;" I said, "Is it my name?" he says, "No;" I said, "I don't care for captain or anybody; I I write my own letters;" I would not give that young fellow away; my own opinion was to prove to the young fellow "That the terrible letter the superintendent sent to the old man, a terrible letter," "and they have a suspicion you done it;" and I said, "Let them think it;" that is all my answer.

Q. Who did you mean by the "Old man"? A. That the captain got suspicious I wrote the letter.

Q. Then the first knowledge you had of the receipt of that letter came through the headquarters of the precinct, through Smith? A. Yes; from Smithy, the wardman; he told the name; I said, "What name?" he said, "You know now, Tom Hardy;" he said, "I know who put in that name?" I said, "No; I do not;" "Well," he said, "They got suspicion on you;" he said, "You wrote in it, the captain to close it up, and the same handwriting you sent to the captain to close you up, and that the same letter to the captain was in the same handwriting.

By Senator Bradley:

Q. This letter was in the same handwriting as the letter you wrote to the captain? A. Yes, sir.

Chairman Lexow.—So the fact was they must have seen the letters themselves?

Mr. Goff.—Oh, yes; and compared it.

By Mr. Goff:

Q. You hadn't much respect for Smith, evidently, for the wardman? A. Well, he bring me the news; he was to protect us; the wardman is the man in the force, in the kind of business, like that of gambling, have to go and tell them to be quiet or shut up.

Q. The wardman was your guardian angel? A. That is always only when the captain must come himself, only when the captain comes himself, and give us the strong information; if it was too hard in the city pulling, the captain come around and say, "It is very hard."

By Chairman Lexow:

Q. The captain makes assurance doubly sure? A. Yes, sir.

By Mr. Goff:

Q. If it is a very hard matter? A. Yes, sir.

Q. "New York, April 1, 1894; Dear sir.—As a hard working man"—you are a hard working man? A. Well, that is the way I gave it to him.

Q. "As a hard working man I am forced to appeal to you for protection for my family against the policy dens that flourish in my neighborhood, and in which my wife spends all the money. I can earn these days?" A. I am not married.

Q. "There are four of them in full blast now, in my neighborhood."

By Chairman Lexow:

Q. Were those your four competitors you have spoken of? A. Yes, sir; those are the ones that started in to freeze me out.

By Mr. Goff: ,

Q. "In my neighborhood to which she persists in going to play in spite of my warnings and pleadings, and I have located four of them, and hereby send your their addresses, knowing that you will fearlessly perform your duty, and drive them out of the business, for which the thanks and prayers of more than one hard-working man and woman will be your reward; they are located at 2038 First avenue; 2012 First avenue, 2016 First avenue, 2005 Second avenue, and 1980 Second avenue; I am not a crank to appeal to Parkhurst, and other societies, but still believe in the efficiency of the police department, and I am willing to put myself, at any time under the protection of it. Yours respectfully, Charles Hardy."

Chairman Lexow.—I think this would be a proper time to adjourn for recess. The committee will stand adjourned until half-past 2. All witnesses subpoenaed to attend this morning, will come back at half-past 2.

AFTERNOON SESSION.

October 10, 1894.

Present.—Senators as before.

Vincent Majewski resumed the stand, and direct examination continued by Mr. Goff:

Q. Did your young man that was ambitious to be called the smartest man in New York write any more letters to the Superintendent of Police? A. Of anybody else?

Q. About any other policy shops? A. No, you know, I just didn't send any letters around the precinct; I sent only them that freezed me out; there is about 20 or 25 more.

Q. Were those four cases that were complained of in your letters that you had written to the Superintendent of Police, were they closed up? A. No, sir; they are just running the same as they were a year ago.

Q. Running yet? A. Yes, sir; in full blast.

Q. They are backed by Martin, are they not? A. Well, a different party got there, as I stated before.

Q. What? A. Different backers got that.

Q. What became of the policy shop that you operated? A. Well, they were standing empty; there was a place empty, and then one fellow of a Parker's man said he go in the same place and he said he make a book there, and Parker said, he told me in person, the 22d of last March when I went to him about the \$100 hit, that there was no use going in that place; he couldn't make a living; nobody could make a living; but the same fellow started and is running yet.

By Senator Bradley:

Q. Parkhurst's man? A. No; Parker's man; finally I went to the station-house and I said, "I thought you stopped that block all together with the policy shop;" there is a man in my place; the sergeant said, "Where?" I said, "You know very well where;" I said, "37;" he said, "Oh, get out; you don't know nothing there; get out."

By Mr. Goff:

Q. Was this Captain Westervelt who said that? A. No; the sergeant at the desk; I think it was the 27th; I went about the \$100.

Q. When did you win \$100? A. Well, not exactly I, only one party around the neighborhood had been playing in the place 2038 on First avenue; it is a liquor dealer; he hit that \$100; he won \$100.

Q. This liquor dealer? A. Yes, sir; on the 14th of last month in the evening; so some funny things happens; the fellow said he didn't put on the books; something like that; he came up to me; he said, "You know this business too much; can I get it if he didn't put it on the books?" I said, "Did you pay it?" he said, "Yes, I have got the paper;" I said, "Show me the paper;" he showed it; I said, "Anything the writer do, the backer will have to pay; sometimes the writer is able to make a mistake, but the backer will have to stand it; it happened with me sometimes; not sometimes, but only once; so he sent the backer a letter."

Q. Did he take the play with you? A. No; that was last Monday; I didn't pay more.

Q. Where did he play? A. On 2038 on First avenue; Policy-writer Wolf.

Q. Well? A. So he sent to the backer, Parker; Parker says, "That is not on the book;" then the fellow comes to try to get the money, and he sent up; Parker says, "He has got a liquor store; he dare not open his mouth; if he goes to the captain the captain will throw him out."

Q. He said a liquor dealer dare not open his mouth? A. Yes; on account of the police, too; he said, "I don't care for anything; can't you get that money?" he said, "I am willing to give you half and half."

Q. The liquor dealer said to you? A. Yes; I said, "Show me a ticket;" I saw the ticket; it was correct in everything.

Q. You asked him to show you his policy ticket? A. Yes, sir; I got it present in my book, too.

Q. Let me see that policy ticket? A. Here it is right on the bottom, the 14th of September. (Witness produced paper.)

Q. What is this memorandum that you give to me now? A. That is the slip of a policy writer where the man got \$100 there.

Q. That is the slip of the policy writer? A. Yes, sir.

Q. Who took the play? A. Yes, sir.

Q. And the man who won the \$100; the play that won the \$100 is at the bottom here? A. Yes, sir; fifty each.

Q. Read those figures; can you read it? A. Yes, sir.

Q. Read it for us; read it slowly so that we can get it? **A.** "In both (meaning in both lotteries) 10-16-47, for \$50; that cost 50 cents; in the State; 10-16-47, for \$50; September 14th, p. m.;" the number did come out at night; this here is the slip from the day before (witness produced another paper).

By Senator Bradley:

Q. Are these all gigs? **A.** Yes, sir.

By Mr. Goff:

Q. Where is the ticket? **A.** That is the ticket, and that is the slip of the day before.

Q. Is there anything here that shows that this won \$100? **A.** Yes, sir; on account of the print proves it; I ain't got the print with me; I couldn't get a print, but I have got a running slip; I can show that.

Q. Which showed that this play won \$100? **A.** Yes, sir.

Q. On the 14th of September? **A.** Yes, sir.

Q. You have arrived to the point where the liquor dealer told you that he would give you one-half of the \$100 if you could recover it for him? **A.** Yes, sir.

Q. Now what did you do? **A.** That was on a—I think the 22d; it was terrible rain, Wednesday; I remember it was Wednesday I went with Parker.

Q. Twenty-second of September? **A.** Yes, sir; the week after that.

Q. This last September? **A.** Yes, sir; I went to Parker's headquarters and I met some fellows; they said, "You know very well you didn't play;" I said, "I have got the paper and I am entitled to the money;" he said he didn't have it on his book; I said, "You know very well you have to stand it;" he said, "Well Parker is in the country;" I said, "You didn't want to pay me my wages, and you said he was in the country; it is now the same way; want to see Parker personally;" the same time I waited till near 1 o'clock and Parker came; I caught him on Bleecker and Elizabeth streets.

Q. Where are his headquarters now? **A.** Well, since I went to Superintendent Byrnes he went to Crosby street somewhere; I don't know where; I said, "Parker, here I made a hit;" I said, "That is a hundred dollars;" he said — I won't repeat it.

By Senator Bradley:

Q. Repeat what he said to you? A. He said, "Go on, fuck yourself, you son-of-a-bitch; I will give you a hundred dollars;" he tried to punch me, and I went out; I said, "I will show how I do;" I just went to Houston street and went to headquarters and reported about my money, if I can get it off Superintendent Byrnes; so his brother came and held me; he said, "Come up to Parker and we will talk about that;" so he talked more things to me; he said, "Here, Frenchy, look at that; I think that you put that money in his pocket and then put it on the back;" I said that didn't make no difference; "You have to be responsible; it was a hit;" so he said, "You go on, talk to that Dutchman; he dare not open his mouth; I will give you \$60;" I said, "No, sir; I want my full amount or nothing;" "Well, I will be here to-morrow and pay you and I want a receipt of both, he said; I said, "All right, we will wait;" one day, next day; who came finally but his runner on Prince street, a negro; he came up and said to the liquor dealer, "Say, you get like a gentleman paid you \$100; that is only \$87.50; you know the backer takes 12 1-2 per cent. off nights;" he said, "We will pay you like a gentleman, but that French bastard, son-of-a-bitch, he can not get a cent out of that," and he said, "I have got nothing to do with it;" I gave to him to collect; he can do what he likes with it; so we waited another day and another day, two I guess--some day after that, and I went to Superintendent Byrnes.

Q. You went to Superintendent Byrnes? A. I went to his headquarters; the sergeant told me to wait until he came; he said, "What is it;" I explained to him.

Q. What did you say; what did he say and what did you say? A. I said, "Mr. Superintendent, I got a hit on so and so policy shop; how is it I couldn't get the money, that Parker don't want to pay;" he said, "What a policy shop; who are they;" I said Very well, you know;" he said, "What is it;" I said, "One Hundred and Fourth street;" he said, "Who is captain;" I said, "One hundred and Fourth street;" he said, "Keep cool and answer my question; I will try and get your money; I will do what is in my power that you get your money."

Q. Tell us what you said? A. I just told him who the policy shops are; he said, "Where is Parker's headquarters;" I said, "Right across the way in Elizabeth street."

Q. Do you mean that the superintendent of police asked you Parker's headquarters? A. Yes, sir.

Q. What did you tell him? A. In Elizabeth street; I gave him that number, 298, it was in Elizabeth street; so the superintendent called two officers to go with me; and if he got any evidence to bring them up; so I went with the two detectives.

Q. Where did you go with the two detectives? A. To the headquarters.

Q. In Elizabeth street? A. Yes, sir; one detective stood in the hall chinning with another party about 15 minutes; I don't know what happened; when we went up nobody was in the headquarters; everything was cleared out.

Q. Do you remember the names of the two detectives? A. No, I don't know; I never asked.

Q. When the superintendent sent for the two detectives, did the two detectives come into the superintendent's room? A. Yes; he called them right into his room.

Q. And they stood with you? A. Yes, sir.

Q. Did he tell them to go with you to the policy headquarters in Elizabeth street? A. Yes, sir.

Q. And to get evidence? A. Yes, sir.

Q. Did you go out of the headquarters, the whole three of you together? A. We went in the hall, and one of the officers stayed in the hall; in front of the hall, with one man, and talked about 15 minutes before we breaked out.

Q. Was this in the hall of headquarters? A. Yes, sir.

Q. Before you left? A. Yes, sir.

Q. So that after you left the superintendent's room you stayed in the hall about 15 minutes? A. Yes, sir; I stayed in this end of the hall, and the officer was talking with some party on the other end of the hall.

Q. You stood on the Mulberry street side of the hall? A. No, sir; I stood on the Mott street side.

Q. And then one of the two officers that the superintendent appointed to go with you went to the other end of the hall and talked to a man? A. Two or three men, I think.

Q. For about how long a time? A. For about 10 or 15 minutes.

Q. Was the other officer standing with you? A. With me, and he called this other one, "Come on, don't stay so long;" well, the same time, that was nothing.

Q. When the officer who had been away from you returned, was there anything said by either of the officers to you? A. No; one officer, he said to me, that fellow what stood with me first, he said, "If you got some way a ticket, you can call any policeman and arrest them;" "it is not necessary for me to get a ticket, where the captain knows every office," I said; I said, "You talked to me like a greenhorn."

Q. How is that? A. He said, I shall get a ticket against a policy office as evidence.

Q. That you should get a ticket for playing policy? A. Yes, sir; and to go to any policeman and have them arrested.

Q. And go to any policeman to arrest them? A. Yes, sir; I said, "That is nonsense; you people know better where they are than I, especially a captain."

Q. Did you say that? A. Yes, sir.

Q. You said to him that that was nonsense? A. Yes, sir; that if I go to them on account of that, they get nothing, and they knew each place.

Q. And that it was nonsense for them to say that to you? A. Yes, sir.

Q. Then what did the officer say?

By Chairman Lexow:

Q. Did he answer that? A. No; he didn't say nothing; then we went there to headquarters, and there was nobody there.

By Mr. Goff:

Q. Did you go straight, directly? A. Yes, sir.

Q. From police headquarters to the policy headquarters in Elizabeth street? A. Yes, sir.

Q. And when you went there you say there was nobody there? A. Then we came up around Bleecker street to Elizabeth; you see, I know fellows stand in hallways in front of a house; he ran across the way quick as lightning.

Q. The fellow that stood in front of the house? A. A kind of stool-pigeon; I said, "That is the fellow, I guess," pointing; so the officer ran and grabbed him, and he said, "Where are you going;" well, the door was closed, and they were locked in; they asked him a question, and finally that fellow said to the officer, whispering- the detectives knew that man very well, because all the conversation was very quiet between themselves; he said, "Everybody is out;" but one room they couldn't open.

Q. You say that this watcher, whom the officers knew very well, said to them quietly, "Everybody is out?" **A.** "They are out."

Q. Is that so? **A.** Yes; that it was reported that I had been arrested at the station-house.

Q. That there was a report—? **A.** That there was a report to the headquarters that I had been arrested the night before.

Q. That there was a report to the policy headquarters that you had been arrested the night before? **A.** Yes.

Q. What did the officers say to that? **A.** They had quite a conversation, and we didn't find nothing; the door they couldn't go in; they brought me up back to headquarters.

Q. Was there any furniture in the headquarters there? **A.** There was a door locked on patent lock.

Q. The door was locked? **A.** Yes, sir.

Q. So that the officers couldn't get in? **A.** Yes, sir.

Q. Why didn't they ask this watcher to let them in? **A.** Well, they asked in the beer saloon down stairs that man to go and get a key; they said, "You must get us a pass-key," but he said, "No, I will go and see that man if I can find him;" I said, "You don't need to look for this man, you know where Parker is better than I."

Q. You said to the watcher? **A.** Yes, sir; so he went out, and nobody saw anything, and they took me back to headquarters; nothing found.

Q. Did you see the superintendent on your return? **A.** No, sir; I reported to Inspector Williams.

Q. What was done then? **A.** I had to wait for some time, and Inspector Williams came in front of me; the detective came and he says, "That is the man for the \$100;" so he says to me, "Well, where have you been playing?" well, I says, "Up town;" he says, "Who is the captain;" well, I say, "Mr. Williams"—I didn't say inspector; I know him too long; I said, "Mr. Williams, you know it is Westervelt."

Q. That is, you knew Williams too long to call him inspector? **A.** Yes, sir.

Q. How did you know Williams? **A.** I knew him from the Thirtieth street station-house.

Q. How did you come to know him? **A.** I know him long enough.

Q. How did you come to make his acquaintance? **A.** I never spoke personally to him.

Q. How did you know this man was Mr. Williams? A. I know him long enough; I had a bird store, and I had been often in gambling-houses, red and black, policy shops; and when I come to any country in the world I like to see everything.

Q. You like to see all the curiosities of the country? A. All the curiosities; I have been from Siberia over to America.

Q. And you saw all the curiosities in Siberia? A. Not there; that is from 1862, the revolution.

Q. From 1862, the revolution in Poland? A. Yes, sir.

Q. You went to Siberia from Poland? A. Yes, sir.

Q. You were exiled? A. I was sent, but I got discharged.

Q. Then when you came to New York, you made up your mind to see all the curiosities in New York? A. And in Europe; every big State.

Q. When you were looking out for curiosities here, you made up your mind to see Captain Williams? A. Not that, exactly; on account I had a bad experience with the police here in a couple of months in New York.

Q. You had a good experience with the police department in New York in a couple of months? A. On account of clubbing and stealing.

Q. How did that give you an experience with the police department? A. What?

Q. How did that give you an experience with the police department? A. Well, I shall have to tell you the truth; I guess that is 17 years, now; there was an Irish eagle — I don't know what they call it — for some benefit; it was a ball here in New York of the Irish people, and I went to one of them balls.

By Senator Bradley:

Q. To see more curiosities? A. I wanted to see it; I didn't even plain understand.

By Mr. Goff:

Q. What ball was it in? A. Near Twenty-third street, on Third avenue at that time; I went there; it was something new to my country; they had a ball, and everybody was near full, drunk, after they went out I was going home; but before I went out of the place I went into the water-closet to see how much I had spent; when I commenced to count I had a \$2 bill

and some change only in my pocket; there were a couple of men fighting on the sidewalk, and I tried to separate them; a copper came up first thing and grabbed me by the neck; the copper was too drunk, and I don't know the name; that is 16 or 17 years ago; he dragged me by the neck; the policeman says, "What do you do;" he said, "Come on;" he took me to the station-house; I never thought anything happened; I never knew about the robbery; Russians are not so bad as here; he took me to the station-house; and the sergeant had a gold tooth, and the policeman spoke; I didn't understand what he said; they said, "Search him," and they went into my pockets there, and he pulled out some little change; I said, "Where is my \$2;" I looked for the \$2, and when I said \$2, he gave me a rap in the face that the blood spilled over.

Q. When you asked for your \$2, you got a rap in the face and your blood flowed out? A. Yes, sir.

Q. Was that before the sergeant? A. Yes, sir; in the station-house.

Q. Was it the police officer who arrested you that struck you? A. Yes.

Q. That was something different in treatment from what the Russians treated you, even in Siberia? A. Worse; an officer dare not do it there; I looked for that \$2; that word, "Son-of-a-bitch," I remember that; he gave me a couple of kicks in the back and got me in the cell; I came before the judge; I don't remember who it was; he was a judge at that time; the judge says, "Go home; you make a charge;" I had a fellow who spoke for me, and the judge explained I shall make a charge to the superintendent; there was that time Superintendent Walling; I remember him, an old grey man; I came up and made the charge, and took another man and explained, and then I came in headquarters for the court; well, the policeman had witnesses and a lawyer; the lawyer tried to see if I dropped that \$2; it was a kind of funny thing; my shirt was all full of blood and everything since that time; I said, "It is a nice police in New York city;" and since then I knew it; what happened to the policeman I can not tell; the next experience, which comes to Captain Williams, was when he was captain of the Thirtieth street station-house.

By Senator Bradley:

Q. Did you get your \$2 back from him? A. Never; never got that; that has got a Russian bottom; then I was in the dog

fancying business; I had 52 dogs in a yard; I used to send them over the country and all over; a big fellow came up to me about six feet may be and a half, and he claimed one dog, and he tried to take him, and I took a hatchet and said, "Get away;" for that I got arrested and sent to the station-house; the charge against me was attempting to murder him; I was discharged; the police tried to swear; the captain says to me, "You are discharged; I said, "I want the hatchet back;" he said, "You look out for the police; if you interfere with them you will get killed; I said, "That is the worse yet;" since then I know Captain Williams; Mr. Williams said, "Give me the name of the policy shops;" I gave it to him; I said, "Can I get the hundred dollars;" he said, "We will try to get you that money; I get you the money you sit here;" he rang the bell for Westervelt; I said, "Mr. Williams, can I walk out;" he said, "No, you stay here;" he said, "You won't come back;" I said, "You know me too well; my word is a word;" he said, "Since when do I know you;" I said, "Since I got in the station-house, and I told you I done what is right and you didn't have a right to arrest me, and I wanted the hatchet;" he said, "Haven't you been arrested since;" I said, "No, I got discharged; I have never been punished;" he said, "You know me then;" I said, "Yes;" he said, "Did you write policy then;" I said, "Yes, I was helping."

By Mr. Goff:

Q. Inspector Williams asked you if you were writing policy then? A. Yes; I said, yes, I was helping; he said, "All right, you can go out; come back;" it was half-past 4, and I came back up to the top and stayed there, and Westervelt was not there; Inspector Williams rang the bell again for Westervelt; Westervelt came up; the captain looked at me, and they sat down and had a conversation, Westervelt and Williams, and so much as I see Westervelt handed over a cigar to Williams to take a smoke; Williams took a paper and Westervelt called me up; he said, "Here come up Monday morning to my office, and you give me evidence against them policy shops and we will go to the Police Court and you make an affidavit against them;" I said, "What is the use of my going; you know better than I;" I said, "You know them places."

Q. You said that to Captain Westervelt? A. Westervelt; Inspector Williams didn't listen to it; he was reading a paper.

Q. While you were talking to Captain Westervelt and telling Captain Westervelt that he knew those places better than you did, Inspector Williams was reading the newspaper all the time?

A. Yes, sir.

Q. Kept it before his eyes? **A.** Yes, sir; looked at it; Westervelt said, "Come Monday to the station-house;" I didn't go; I didn't want to go; I knew the nature of it; may be I would be put in prison if I went there.

Q. You were not going to go into the Hon's den? **A.** No, I would sooner be killed than go in prison; then I know I am dead.

Q. But you were not born in Ireland, were you? **A.** No; Oh, well, I am sorry I didn't go there too; I would go there yet if I had any money.

Q. You think there are many curiosities for you there to see? **A.** I don't think it is so bad as here; I didn't go here to the police station, because I thought if I go there they would have those policy shops moved out, and if they moved away, I would be held for perjury; what is the use of my going for them people; I know how they can protect their business well enough; I didn't go the next day; after that I wrote the captain a letter again; Sunday Parker came up town.

Q. Parker? **A.** Parker; that was Sunday evening; he came up and called for me to One Hundred and Sixth street; and I came from One Hundred and Sixth street corner of Third avenue; he said, "You know for what I come up;" I said, "I hope so;" he said, "I want to settle your money with you, and I will tell you I don't want you to bother more the captain here."

Q. Parker said? **A.** Parker said, "and I will pay you that, but after I pay you don't you interfere with our business; we will settle, and if you interfere you will go to State prison;" I said, "Parker just pay the money; the rest of it will be all right;" he took me to the corner of One Hundred and Seventh street, a liquor store, and he had that negro runner and a kind of lawyer there; the lawyer fixed up the receipt.

Q. Who was the distinguished lawyer who was there? **A.** His lawyer was there; I suppose Parker's.

By Senator Bradley:

Q. Do you know the lawyer's name? **A.** No; a young fellow; he said, "Have a drink," and he went down in the cellar, Parker,

and that fellow, he said, "Frenchy, how much is it; I said "\$87.50; it is a night hit;" he said, oh, I can wait; Parker came out; he said, \$87.50; Parker said, "No, only \$61; won't you take it;" I said, "No," I won't take nothing unless I can get the full amount of my money;" he said to the negro, "Say to-morrow you close every place in Westervelt's precinct, and he can not do nothing; I don't care, I will not pay him nothing now;" and that was the end of it.

Q. You didn't get that money? A. No; I sent a letter; I said, "Mr. Captain, you are a stranger to me;" Parker came up and offered me \$61, and he says he does not care about having any officer in your precinct if I force him to pay that."

By Mr Goff:

Q. You sent a letter to Captain Westervelt? A. Yes; I said, "He don't care; you can close every place and he won't pay me that full amount; I am long enough out of work; I need it; and the place is running to-day the same as before."

By Senator Bradley:

Q. Running to-day the same as before? A. Yes; I sent somebody to play, and it is only on the 2d of this month that that same saloon man got a hit of \$10; and he has got it paid; and on the 6th 10 played, and on the 5th played, and on the 7th 10 played; the places are all open; and the 9th—

Q. What is the 9th? A. No, that is not the 9th; that is a 5, 8 and 10; you see they have a different mark on top, different places.

Q. During all your running of these policy shops, did the police ever come and play a gig with you at all? A. Oh, they play, and they play hard, too.

Q. Did they always pay you for their gigs? A. May be I say to the policeman, for five or 10 cents don't play; it is a hard game for you; I don't want your money; I know different places they go and hang up \$2 or \$3.

Q. You know places where they would hang up \$3 or \$4? A. Oh.

Q. Every place you kept did the policemen come and play in uniform? A. They come up and say, "I would like to draw such and such a thing;" but I see them different places play hard; even a wardman; they know very well where is the place;

Q. While you were talking to Captain Westervelt and telling Captain Westervelt that he knew those places better than you did, Inspector Williams was reading the newspaper all the time?

A. Yes, sir.

Q. Kept it before his eyes? **A.** Yes, sir; looked at it; Westervelt said, "Come Monday to the station-house;" I didn't go; I didn't want to go; I knew the nature of it; may be I would be put in prison if I went there.

Q. You were not going to go into the Hon's den? **A.** No, I would sooner be killed than go in prison; then I know I am dead.

Q. But you were not born in Ireland, were you? **A.** No; Oh, well, I am sorry I didn't go there too; I would go there yet if I had any money.

Q. You think there are many curiosities for you there to see? **A.** I don't think it is so bad as here; I didn't go here to the police station, because I thought if I go there they would have those policy shops moved out, and if they moved away, I would be held for perjury; what is the use of my going for them people; I know how they can protect their business well enough; I didn't go the next day; after that I wrote the captain a letter again; Sunday Parker came up town.

Q. Parker? **A.** Parker; that was Sunday evening; he came up and called for me to One Hundred and Sixth street; and I came from One Hundred and Sixth street corner of Third avenue; he said, "You know for what I come up;" I said, "I hope so;" he said, "I want to settle your money with you, and I will tell you I don't want you to bother more the captain here."

Q. Parker said? **A.** Parker said, "and I will pay you that, but after I pay you don't you interfere with our business; we will settle, and if you interfere you will go to State prison;" I said, "Parker just pay the money; the rest of it will be all right;" he took me to the corner of One Hundred and Seventh street, a liquor store, and he had that negro runner and a kind of lawyer there; the lawyer fixed up the receipt.

Q. Who was the distinguished lawyer who was there? **A.** His lawyer was there; I suppose Parker's.

By Senator Bradley:

Q. Do you know the lawyer's name? **A.** No; a young fellow; he said, "Have a drink," and he went down in the cellar, Parker,

don't know anything about that. I haven't got instructions;" he said. "I want to see Ward."

Q. The captain said he wanted to see Morton? A. No, Ward; so I didn't trust him; I rang the bell, and he came down, and he said, "That is all right;" well, they had a conversation; they went over, and he handed over the boodle.

Q. He handed over the boodle? A. Yes; and he went out.

Q. To the captain? A. Yes, sir.

Q. When you say he handed over the boodle, what do you mean? A. The greenbacks; the protection.

Q. The bills? A. Certainly.

Q. Did you see the money in Ward's hand? A. Yes, sir.

Q. Did you see him hand the money over to Captain Dougherty? A. To the captain; yes, sir.

Q. And you saw the captain's hand take that money? A. Yes, sir.

Q. Where did he put it? A. Well, in his pocket; he didn't throw it away; then I saw him again; why certainly, after that I knew who he was, and I just went out and said, "The old man is here;" he went out with the boodle; I said, "How much do you give;" you know, I was very thick at that time; he said, "\$80 is gone again;" he said, sometimes for a new place that is being opened he has to see the captain first; on the 5th or 6th, Ward went to the police station, and fetched himself the money.

Q. He would go to the police station with the money? A. Yes, sir.

Q. When a new place was opened, there had to be additional money given? A. No; I don't believe that, on account there is too many they give.

Q. Don't they pay so much for every place, every policy shop? A. Every month \$20.

Q. So that if there was a new policy shop opened, that would be an additional \$20? A. Certainly, they have to pay \$20 or they can not run.

Q. That is the regular rent to the police? A. That is the regular rent all over; I can not swear it is \$20; but I understood from Ward it was \$20, now, and before at headquarters it was \$10, and now it is \$20.

Q. You mean the headquarters of the policy? A. Yes, sir.

Q. Do you remember any of the policy men ever having been arrested? A. Some, they get arrested.

Q What was done with them? A. Oh, dismissed, or no evidence.

Q. No evidence? A. No evidence; dismissed case, or such a thing; except I know one who has got it good; that is where Mr. Comstock arrested him; most of them get fined \$50 or \$25 or dismissed.

Q. Is there any understanding or arrangement between the backers and the writers, how they would act in case they were arrested? A. Oh, yes.

Q. What is that arrangement or understanding? A. Now, like last time, the captain has to show that he arrests some places in his precinct, that he pulled them, that he didn't like to have them; that is only for imitation.

By the Chairman:

Q. He has to make a record? A. A record that he arrested; I can prove on the 12th of June of one man; that is, 2038; that is a new writer, a green writer; I guess he started only since November; there Wardman Smith, went to him and he says, "Say, you get arrested."

By Mr. Goff:

Q. He said to the man that he would have to get arrested? A. Yes, the fellow got fooled; he said, "I don't want to get arrested;" the wardman said, "Well, you have to be arrested;" finally they sent from headquarters a different man for half an hour or 15 minutes to sit in the office and write, and after the wardman came up and arrested him.

Q. Do you mean to say that word went from the police headquarters for a man to sit in the office for half an hour or so and be writing so that the detective could go in and arrest him? A. A. Yes, sir.

Q. That is done when the captain wants to make a record? A. Yes, sir.

Q. When there is a public excitement in the newspapers or some place about the policy shops? A. Yes, sir.

By Chairman Lexow:

Q. That is not the real writer? A. No.

Q. Somebody else? A. No.

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By Mr. Goff:

Q. Somebody whose services are not so valuable? A. If anybody come with a ticket and say, "I have been playing in this place," they say, "Did this man write you;" he say, "No, I never saw that man before;" case dismissed in police court; that is easy enough.

Q. How do they arrange to arrest the man that doesn't do the writing; how do they fix it? A. Well, the captain sends to headquarters, I suppose how they can do it, and from headquarters policy shop they go and say, "You get arrested; keep very clear to-morrow; you have to stand there until they come for you."

Q. We don't understand yet about the person who brings the ticket, and is asked in the Police Court if the prisoner is the one that did the writing; is it the same one that did the writing for the policy player that gets arrested? A. No, a different man is arrested.

Q. A man that didn't do the writing at all? A. Yes, sir.

By Senator Bradley:

Q. They put a dummy in his place? A. No, he has to be a smart fellow; a dummy would give away everything.

By Mr. Goff:

Q. Then the dummy would be sent there especially to get arrested? A. Yes, sir.

Q. And he would sit in the policy shop until the wardman came in? A. Yes.

Q. Then the wardman would come in and take him away? A. Take him to the station-house; then he would get bailed out, and the next day would go to the court.

Q. And the policy player who makes the complaint is brought before him, and asked if that is the man that did the writing? A. Yes, sir; sometimes.

Q. And the complaint is dismissed? A. Sometimes they don't bring any man against them, except expose them; a runner came up and asked me if I have some old slips from some years back, to give it to Hoffman on account he get to-morrow pinched; I said, "What have I to do with Hoffman?" Well, I noticed that Mooney and Smithy have been standing

on One Hundred and Fourth street, and I suppose they went up, and arrested Hoffman right in the policy shop; they brought him to the court; no evidence; dismissed; I knew two days before that he would get arrested.

Q. Hoffman did? A. Yes; he knew; and just the same thing with Wolf; that is what I know.

Q. Are there any other cases of arrest that you call to mind now, any other men that were arrested in that way besides Hoffman and besides Wolf? A. I saw many arrested; I didn't know such names; at that time I didn't write, but I knew persons; at that time I was in it, and they were asking some questions; so I know what I can swear; another place, about three years ago, there was on Houston street one policy shop the same way pinched; a different man was in the place pulled; they came in, pinched the place, and took a different man who never was in the place before, and discharged him in Essex Market, as there was no evidence.

Q. Did you ever understand that arrangements were made to pay the fines in cases that men were fined? A. The backer has to pay; if he don't protect them writers, they will quick squeal on him.

Q. How do they stand about the man that was sent to the prison, to the penitentiary? A. Oh, I can not swear to it, but he was a particular friend of mine; they put him back to work; the backer put him back to work.

Q. As soon as he got out of prison? A. Yes.

Q. How was it that they let him go to prison? A. Comstock caught him that time too much; Comstock himself; I see that; I was in that place; he jumped over the counter and got back, and he threw just the same time the books in his stove; and he said, "Now, I have enough evidence;" and they had the papers; Comstock went himself hard at it.

Q. He got the evidence? A. Certainly; he had it; there was a real arrest; it was not a police arrest.

Q. It was not a police arrest? A. No.

Q. Then you don't call a police arrest a real arrest? A. Oh, it is only a fake.

Q. Did you ever know Joe Kay, a man by the name of Kay? A. I don't know, sir; I don't remember them names so very well; may be I heard it.

Q. Do you know Jim Harris? A. I think I have heard it; they must be somewhere on the west side, I guess; that time I was not much myself; I was only playing.

By Chairman Lexow:

Q. You say substantially, do you not, witness, that the police not only know the backers, and where they live, but that they know the writers, and they know the houses in which the writing is done? A. Certainly.

Q. And that there is an attempt practically of concealment of these houses from the police at all? A. No; on account it is not possible; now, when they heard that I went to the Lexow committee they moved from this house to the next house; the backer is able to pay another rent; they go to the next house and write in a room, but the police know every place; they give protection; if there is no money in them, they fine them; if there is money in them, they don't fine them; they be careful that the police don't get outside.

By Mr. Goff:

Q. Just repeat that, please? A. They get orders from the wardman to be careful that you don't catch them, that such and such a man goes around to get evidence against the policy shop.

Q. The fact is, that unless you did get that protection, you couldn't carry on this policy shop business? A. No.

Q. Unless you were protected by the police? A. No.

Q. Not only do the police fail to make arrests, but they stand in the way of arrests being made? A. Certainly.

Q. To persons engaged in that business? A. Certainly.

Senator Bradley.— He says that when any strangers are going around from these societies, the wardman notifies them to be careful of such and such a one who is going around to get evidence.

Witness.— I was happy never to be arrested.

Senator Bradley.— It would be well to take those slips that he has got.

Witness.— Well, I would like to get that one. I get the money may be back. May be I have a chance to get my money, if I make a case for the court.

Q. You mean this here (referring to slip)? A. Yes.

Q. We will give them back to you; you think if the numbers were published, you wouldn't have a chance of winning? A. No, not that; but that place anyhow will be gone, and they will

laugh at you; they will say, "You are a damn fool; you go before the committee, and we are writing yet; we have got money, and what do you get; you go like a dummy there; and you know nobody stops policy shops; there is too much money."

Q. What I want is those slips that you have in your vest pocket; I want to look at them; those slips that you bought last week or this week? A. I didn't buy them alone, not myself.

Q. You bought them in for others? A. That is a hit on Parker (producing paper); that is on the second night this month; that is a hit on the cross.

Q. This slip that you hand me, have you played that slip? A. I played that for that same liquor dealer, and he won on that; that is on the 2d of this month.

By Senator Bradley:

Q. He made a hit and got paid? A. Yes, sir; somebody went and played for him; they wouldn't let me in; here is one of the 9th of this month, on the night (handing counsel another slip).

Q. "B. N." what does that stand for? A. In both nights; in both lotteries nights.

Q. The 8th of the 10th month? A. Yes, sir.

Q. "22-50, c. s. 20," what is that; read that? A. Oh, that is "capital saddle."

Q. Oh, a capital saddle? A. Yes, sir.

Q. What does 20 stand for? A. For 10 cents, \$20.

Q. If a player would win? A. Yes, sir.

Q. What are the numbers, 22-50?" A. The capital saddle.

Q. Now, there is another; there are two plays there, capital saddles? A. That is another one.

Q. "22-1-10-F?" A. That is a 22 first.

Q. And \$10 for 10 cents; is that what that means? A. That is 10 shillings for 5 cents.

Q. Now, this on the 9th? A. (Referring to paper.) No; that is before, I guess.

Q. That is the 10th? A. No, I don't think so; 10th, 5th; that is a 5th of the 10th; that is a different writer; one says 1st the month.

Q. They reverse it? A. Yes, sir; that means a different writer.

Q. This means the 5th of the 10th month? A. Yes, sir.

Q. Here are numbers "57-57-73-J-20;" what does that mean?
A. That is a \$20

Q. What sort of a play is that? A. That means, what is in front is dollars; what is back is shillings.

Q. But the number here is a gig? A. Yes.

Q. 22-c; what does that mean? A. That is, "22-50," capital saddle.

Q. Fifty dollars? A. Yes, for a quarter.

Q. And then there is 22-first? A. Twenty-two first.

Mr. Goff.—Mr. Chairman, I don't know that we ought to prosecute this inquiry further, because the particularity in the aptitude shown by Senator Bradley in memorizing these numbers may lead to very serious results. I think, Mr. Senator, we have enough on the record now.

Q. Where were they bought? A. Around my neighborhood.

Q. Give us the place? A. There is in the paper, the place.

Q. No, there is no address here? A. The place in them letters.

Q. One of the places in the letters that you sent to Superintendent Byrnes? A. Yes, sir.

By Senator Bradley:

Q. Four places? A. Yes, sir; them places.

By Mr. Goff.—

Q. They are in full blast yet, you have said? A. Yes, sir; I would like to get the money.

Q. How much will you take cash for those tickets now? A. I wouldn't sell any; I don't want to rob this man.

Q. You want \$100? A. No, sir; \$87.50; he gets half, and I get half if I get it.

Mr. Goff.—I thought it would be proper, Mr. Chairman and gentlemen, to read from the report of the superintendent, dated September 6, 1894, reporting compliance with resolution of commissioners relative to the condition and efficiency of the police force. This is the official report. I merely wish to read that portion of it applicable to policy, which is as follows: "As to policy, it is a species of petty gambling, degrading in itself, and very difficult to entirely eradicate. It is at the present time practically broken up, or confined to itinerant venders of policy slips, and to obscure places, chiefly in tenement-houses, in the back rooms of liquor saloons, cigar stores

and on the street corners, and it is so stealthily, secretly and guardedly conducted that it is well nigh impossible for persons, not well known to policy writers, to obtain slips. And in many cases, even when the player is well known to the vendors, the former is compelled to write out the slip himself, so carefully are the vendors or dealers to protect themselves from arrest and prosecution."

Q. Three hundred and forty-one East One Hundred and Fourth street was your place? A. Yes, sir; there was my place.

Mr. Goff.—I read from the official records of the police department the case of a complaint against Captain Josiah A. Westervelt, of the Twenty-second precinct. Charge, neglect of duty. Complainant, Superintendent Thomas Byrnes. The date of the complaint is March 13, 1894, and the date of Judgment April 3, 1894.

Q. Now, when did you see Byrnes as you testified to-day; what time did you see Superintendent Byrnes about this \$100 transaction? A. On Saturday; I don't know whether it was the 22d or 23d; on the 14th was the hit; that was Friday, and the Saturday after this I went to him.

Q. What month? A. September, last month.

Q. A few weeks ago? A. Yes, sir.

By Senator Bradley:

Q. That would bring it the 22d of September? A. Yes, sir; the 22d of September.

Mr. Goff.—I read from the official complaint, dated March 13, 1894, to the board of police, of the police department of the city of New York. "I hereby charge Captain Josiah A. Westervelt, of the Twenty-second precinct, with neglect of duty. Specifications: In this, to-wit: That the said Captain Josiah A. Westervelt did on or about the 5th day of September, 1894, fail to suppress the following named policy shops, and places where policy or lottery slips were sold, in the city of New York; that is, 156 East Ninety-eighth street."

Witness.—They have moved now.

Q. Gone some place else? A. The next block.

Q. "No. 240 East Ninety-seventh street?" A. Well, he is around there in some private room there.

Q. "No. 333 East Ninety-seventh street?" A. Well, I can not tell sure where he went, but he is around there in some private house.

Q. "No. 2012 First avenue?" A. Well he is writing now in different rooms, and his regular shop is 2016.

Q. "Two thousand and twenty-eight First avenue?" A. Two thousand and thirty-eight.

Q. Two thousand and thirty-eight it should be? A. Yes, that is where the \$100 was hit, and Parker closed him up on account of that.

Q. That is why he closed him up, because there was a \$100 hit? A. Yes, sir.

Q. "No. 322 East One Hundred and Fourth street?" A. There has never been there a shop.

Q. There has never been a shop there? A. No, sir; that is a wrong report.

Q. "No. 333 East One Hundred and Fourth street?" A. A wrong report.

Q. "No. 341 East One Hundred and Fourth street?" A. That was my place.

Q. That was not a wrong report? A. No.

Q. How about these two wrong reports; how wrong reports were made? A. They couldn't find it; I don't know how they got it; I was the first man to know; I was the first man to open a place in Harlem in this neighborhood, so I knew particularly that nobody was there.

Q. "No. 1788 Third avenue?" A. I don't know about that place, I heard it; oh that is near Ninety-eighth street; that is open yet.

Q. Open yet? A. Certainly.

Q. "One Hundred and Sixth street, between Second and Third avenues?" A. That has moved to Second avenue.

Q. "South side of One Hundred and Sixth street, between Second and Third avenues?" A. That fellow has moved now to 2005, around the corner.

Q. "One Hundred and Eighth street between Second and Third avenues?" A. Yes, sir; I guess you have got there a right report about that place; he is now in a barber shop writing on Second avenue.

Q. "North side of One Hundred and Tenth street, between Third and Lexington avenues?" A. I didn't go in his place.

Q. "One Hundred and Fourth street near Second avenue?" A. Wolf's place; he is on Second avenue now.

Mr. Goff.—The witnesses were James W. Slate and William M. Fuller of the New York Herald. It is signed Thomas Burns, Superintendent of Police. Approved, James Martin, President

The finding on that was guilty with an infliction of punishment of five days' pay.

Q. That was on April 3, 1894, and since then you have been to see the superintendent in relation to the \$100 strike? A. Yes, sir; that was last week only; after that Westervelt was before the committee; after that he came to me to see what the reporter spoke to me.

Q. Who asked you? A. Westervelt.

Q. Repeat what he said? A. He came up and asked me if the reporter had been talking to me.

Q. Where did he go to ask you that? A. To my policy shop; to my place.

Q. Three hundred and forty-one? A. Three hundred and forty-one.

Q. What did you tell him? A. I told him I didn't have much conversation with him on what he had been asking; i said, "You are too hard a man, and don't allow nobody around here to keep policy shops.

Q. Did you say that? A. Yes, what I say.

By Senator Bradley:

Q. You told him the captain was too hard, that he wouldn't allow any policy shops around there? A. Yes, sir.

Q. That was in harmony with those letters you wrote to Byrnes? A. Yes, sir; same kind.

Q. The same kind of taffy? A. I was willing to prove; Byrnes say he do everything, he wants nobody robbed, he will close them up.

By Chairman Lexow:

Q. You said that you saw Captain Dogherty call for the money; do you know Captain Dogherty by sight? A. I have been told that was Captain Dogherty.

Q. Did he have his uniform on? A. No, citizen's clothes.

Q. Describe him? A. Oh, a big tall man, stout; if I see him I would know him well; a big stout fellow.

Q. Red faced or pale? A. Kind of red faced; no, not pale.

Q. A florid complexion.

By Mr. Goff:

Q. What color was his moustache; was it black or gray? A. No, not black; a kind of yellow, kind of sandy moustache; like that gentlemen there I think more.

Q. A dark brown? A. Yes.

Q. A heavy moustache? A. Yes; I know him when I see him.

By Senator Bradley:

Q. How often did you see him at headquarters? A. I saw him three times come around there.

Q. Every time he came he got his \$8, did he? A. Every time; I don't know just how much; I said, "That is a nice pile;" he said, "Well, \$8 gone again."

Chairman Lexow.—Do you want to put any more questions to the witness?

Mr. Goff.—No, sir; we will excuse this witness.

Chairman Lexow.—That is all.

Lieber Friedman, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. No. 90 Stanton street.

Q. You have told me that you were afraid, haven't you? A. No, not afraid.

Q. You are not afraid now? A. But I want a man to speak German, and I will tell you everything in German, and the man can tell you everything in English language.

Guelf Elbing, was sworn as interpreter:

Q. Have you a brother-in-law named Joseph Frankel? A. A brother-in-law.

Q. Does he keep a saloon? A. He had a saloon in Hester, corner of Suffolk.

Q. Seventeen Hester? A. Seventeen Hester.

Q. Do you know about Frankel getting into trouble? A. I know he had trouble.

Q. About a year ago? A. About the 12th of February, in the evening, he was arrested.

Q. When was that? A. Twelfth of February, 1894.

Q. The 12th of February, 1894? A. Yes, sir.

Q. He was arrested? A. Yes, sir.

Q. In the evening? A. Yes, sir.

Q. Do you know what he was arrested for? A. I don't know what.

Q. Did you hear the charge that was made? A. He was discharged.

Q. Did you hear the charge that was made against him? A. (Interpreted.) I was not there.

Q. You went to court afterward, didn't you? A. (Interpreted.) Somebody else was in court, not me.

Q. Weren't you at court at all? A. (Interpreted.) I was with the judge before the trial came off.

Q. Weren't you in court at all in this case? A. (Interpreted.) No, sir.

Q. Don't know that he was charged with robbery? A. (Interpreted.) No.

Q. Don't you know that it was charged that he had stolen \$10 from a man that went into his saloon? A. (Interpreted.) I don't know any particulars; simply the questions that were put to me afterward.

Q. Do you not know from them that it was charged against you that he had stolen \$10? A. No, sir.

Q. You don't? A. No, sir.

Q. Didn't you see him in jail? A. (Interpreted.) The second day.

Q. You went and visited him? A. Yes.

Q. How did you get in? A. (Interpreted.) Through the alderman, Charles Smith, who took \$1 gate money.

Q. You say this Charles Smith took \$1 from you as gate money to let you into the jail? A. For the doorkeeper; he said \$2 the first time for two men that goes in, and he put the money in his pocket, and I didn't see him give the doorkeeper anything; we went in there, and Mr. Charles Smith was out.

Q. How many times did you give Smith money to get into the jail? A. I didn't give him the money, because it was the other man, Rosenzweig; he would not take it from me; and I saw him take the money two or three times.

Q. Who was Mr. Rosenzweig? A. (Interpreted.) He was the brother of the lady to whom I am engaged.

Q. Did you hear any conversation between Mr. Rosenzweig and Mr. Smith about going below? A. (Interpreted.) On the

13th I went to the saloon to look for Mr. Solomon, who lives in the neighborhood; he has his property there, and I came down to see Mr. Solomon to bail Mr. Frankel; I didn't find him there, and I came back to the court at the same time, and I saw Mr. Solomon was waiting for us there; I was together with Mr. Rosenzweig; he was waiting for us; when he came there, he said, "What do you want;" I said, "You are a friend of Mr. Frankel's, and I want you to go bail for Mr. Frankel;" he said he couldn't give no bail to Mr. Frankel, because the property is not in his own name; the property is in the name of his wife; I said to Mr. Solomon, "If you will please send your wife to bail Mr. Frankel;" he answered to me, that his wife couldn't go to-day because she has got swollen feet.

Q. What conversation occurred between Mr. Smith—? A. I am coming to that matter; Mr. Solomon says to me, Mr. Friedman, you go around and look for bailers, you have too much trouble; because sometimes you have complaint of bailers, and they bring you too much trouble; you better go to Mr. Charles Smith, and give him something, and he will bail you; that is what Mr. Solomon said; we went across the way to Charles Smith; Mr. Smith was not there; we waited until 10 o'clock; at 10 o'clock Mr. Charles Smith came in, and Mr. Solomon was speaking first to Mr. Charles Smith; then we went down in the back room; Mr. Charles Smith came in the back room where there was only I and Rosenzweig; Mr. Smith asked the question, how much money I will give him; I asked him how much do you want to have; he didn't ask me what trouble; he didn't ask me nothing, because may be he had information before; I told him, "I can not give you any more than \$10 or \$15, because we are poor people; we ain't got much money;" he answered me, "That is too common; I won't bother with you; we walked out from the saloon; we walked over to the court, across the way; he came in the court; the trial was open, and there was the court full with prisoners, and Mr. Frankel was right in the end with Detective Hussey; he was there and every prisoner was come before the court and everything before the judge, and Frankel was left until it was too late, until 12 o'clock, and at 12 o'clock the court was closed, and we went away, and Frankel was sent in prison again, the jail; we went out from the court, and were going home looking for a man who would bail Mr. Frankel; we couldn't find one so easy, and we went back

to Charles Smith, and we asked what he wants to have; he said he wants \$200; we walked again away, and at this time, at dinner time, when the court was closed, Mr. Solomon went in the jail and he made Frankel afraid; he said, "Frankel, if you don't settle with Charles Smith to-day you may get 10 or 15 years;" the boy was afraid; it was the first time he was arrested in his life, and he writes a letter to me in jail, through Mr. Solomon, to tell me to settle with Charles Smith; the letter was in the Roumanian language; I received that letter, and I see that Mr. Frankel says to do the best I can to settle with Charles Smith, and to take him out.

Q. That is Solomon you are speaking of? A. Solomon; he says to me, "I was inside, and I paid for going in, too, and I just spent the money out of my own pocket; of course, I will do well for Frankel, because I know him;" that is what Mr. Solomon said to me.

Q. Did you see any money paid? A. He says he paid the doorkeeper to go in.

Q. I mean the \$200? A. I will come to that; then Charles Smith said he didn't want to have less than \$200; I told him I can not do it myself, because I haven't got the money; I want to see Mr. Frankel to speak with him; he says, "It cost money to see him; you have got to pay;" he wouldn't take any money from me, only Mr. Rosenzweig gave him \$2 the first time; Mr. Rosenzweig gave him \$2, and he went over and had the door opened, and we went into Frankel.

Q. This is the Essex Market court? A. Yes; and Frankel says that Solomon was in there, and he makes him afraid that Charles Smith can make against him a case and he can not settle with him; Frankel said to go out and give \$25; I went out from the court again to Charles Smith and offered him \$25, and to \$50 I raised it; he said he didn't want to bother with us, that if we didn't settle to-day, to-morrow it would be dearer.

Q. If you didn't settle to-day, to-morrow it would be more? A. To-morrow it would be dearer; we didn't care so much if he was a plain man, but the alderman, the boss of the Third Assembly district, to say such a thing, we thought very hard.

Q. This is the great Silver Dollar Smith? A. Yes; we offered to have \$100, and he went away, and he said, he didn't want to take a cent less than \$200; we went away to our house; I went down there and then I went back to the saloon to see Mr. Solo-

mon, and to see another man; I went to Michael Rosenthal, he is dead, of 165 East Broadway, to take some information of the man, because I was afraid to trust him \$200; may be he don't get the bail, and afterward he wouldn't give us the money;

Mr. Rosenthal said, "I can not tell you nothing, because Charles Smith is a big swindler;" he said, "I don't know what you can do;" this time we passed Essex street where Charles Smith has got his saloon: Mr. Charles Smith was outside himself; he said, "Say, boys, if you run all day, if a man comes to the court and puts up \$100,000 cash bail, you couldn't get your man out;" that is what Mr. Charles Smith said to us.

Q. He told you to stop trying to get bail? A. Yes; well, we went away this time down to Michael Rosenthal, and he gave me such information that he couldn't tell anything about it, because Charles Smith was a big swindler.

Q. He wouldn't go bail? A. No; Mr. Rosenthal I went to for information; if I can trust to Charles Smith \$200; he said to me he could not tell me nothing, because he knew him for a big swindler.

Q. Go ahead? A. We went in again to Frankel, and we told him these words, or Charles Smith said to us that we would not get him out at all; he said, "Go down and settle with him;" if he brings me in big trouble, it will cost me more than that; if he takes his association man for a witness, he can do what he likes, and it will cost us more money; well, we went down to the saloon and settled with Charles Smith for \$200; that was on the 13th, in the afternoon about 3 or 4 o'clock; he didn't bring him into the judge this time all day; he was arrested all day, and the second day, in the morning, the 14th of February, I went to the pawn shop, to Simpson's, corner of Delancey, and put in a diamond ring for \$65 what belonged to Frankel, and I put in a chain which belongs to Frankel for \$20 in my name; Rosenzweig was with me; I got \$85 from there and delivered it to Rosenzweig; the father of Mr. Rosenzweig he drew from the bank \$100; that was \$185, and \$15 Frankel had himself, and we had \$200, and we went in about 10 o'clock to Charles Smith, and Charles Smith has a stage and a skirt-room there; he told Rosenzweig he wouldn't let me in; he told Rosenzweig to give him the money; Rosenzweig delivered him the money; I didn't see it, because he wouldn't let me in at all; this time no man had a right to come near him to see anything about it; well, he had the money, and he went over to the court, Charles Smith and Rosenzweig, and he brought Frankel

before the judge, and he put his claim before the judge, and the judge discharged him.

Q. He discharged him without bail at all? A. Without bail at all.

Q. Your arrangement with Smith was that you thought Smith would bail him? A. Yes, sir.

Q. But Smith did better than that; he brought him right up from the prison and took him before the judge, and had him discharged without going his bail? A. Yes; the detective brought him before the judge.

Q. What detective? A. Hussey; he brought him in before the judge, and put the claim before the judge, and the judge discharged him honorably.

Mr. Moss.—It will be shown that he was charged with the robbery of \$10 from the person of a man in his saloon.

The Witness.—He went home, and that was all. We didn't bother about it, because we didn't hear about the Lexow committee at all. The last three months we heard about the Lexow committee.

Mr. Moss I would say that this evidence comes in out of its place. It has been very difficult to get this case together. Mr. Frankel has been frightened away.

Q. You will have him here to-morrow? A. Yes.

Mr. Moss.—Mr. Frankel has been in court once or twice, but we have been unable to place him on the witness stand, and as we got him tractable to-day, we put him on a little out of the regular order.

Q. What was the judge's name that discharged him? A. I couldn't tell you.

Mr. Moss.—I read a summons and complaint in the City Court of New York, in the case of Max Rosenzweig against Charles Smith. The essential part of it states that, on or about the 14th day of February, 1894, the plaintiff was possessed of \$200, and delivered the same to the defendant upon condition that the defendant should go and become the bail or surety for one Joseph Frankel, upon a certain criminal charge, then pending against said Frankel as aforesaid, under which he was then in prison in the Essex Market Police Court, in the city of New York, and held under \$1,000 bail for examination; such \$200 to be and remain with the defendant as collateral security upon the obligation to be so incurred by him; and upon the discharge

of the said prisoner, the defendant released from such obligation, such sum of \$200 was to be returned and redelivered by the defendant to the plaintiff.

That the defendant did not go or become the bail or surety for the said prisoner, and did not incur any liability or obligation at his request in the matter of the bail as aforesaid, and said Frankel remained so imprisoned in the Essex Market Police Court, in the city of New York, until proceedings were subsequently had in the aforesaid criminal action against the said Joseph Frankel, and that the same came on for examination in due form of law, in the said Essex Market Police Court of the city of New York, and such examination resulted in the acquittal, discharge, and release of such prisoner.

That thereafter, and before the commencement of this action, plaintiff duly demanded from the defendant the return of the said \$200, with which such request defendant has failed and refused to comply, and that he has converted such moneys to his own use.

This complaint is verified by Max Rosenzweig, before a notary public, and the action is brought by Eugene I. Yuells, as plaintiff's attorney. The summons is dated September 18, 1894.

Chairman Lexow.—In the City Court?

Mr. Moss.—In the City Court.

Chairman Lexow.—What is the answer?

Mr. Moss.—There is no answer here. I haven't received it.

Mr. Goff.—Do you wish to adjourn, Mr. Chairman, until to-morrow morning.

Chairman Lexow.—The committee stands adjourned until to-morrow morning at half-past 10 o'clock. All witnesses subpoenaed will attend here to-morrow morning at half-past 10 o'clock.

Proceedings of the Forty-fifth session of the committee of the Senate of the State of New York to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court room Part III, in the city of New York, Thursday, October 11, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley and Cuthbert W. Pound; John W. Goff and Frank Moss, of counsel for the committee.

The Chairman.—There is a communication addressed to the committee from the American Society for the Prevention of

Cruelty to Animals, as follows: "October 10, 1894. A witness by the name of James Hughes was examined before your committee yesterday, and in his evidence stated that he had given a police officer five dollars to permit a dog-fight to take place at Riverdale. The purpose of this communication is to request that you permit the official stenographer to furnish a typewritten copy of his minutes of the evidence of James Hughes; the cost of which to be paid by this society. Yours very truly, John P. Haines, President."

On motion of Senator Bradley, it was unanimously ordered by the committee that the request be complied with.

Agustin Forget, called as a witness on behalf of the State, for further examination, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Forget, since you were examined here on Tuesday, have you looked over your books, and memoranda in your office?

A. Yes, sir.

Q. And have you made inquiries concerning this entry to which your attention was called on December 31st? A. Yes, sir.

Q. You have testified that you had a cashier that ran away and embezzled some money? A. Yes, sir.

Q. And his disappearance from the company threw the affairs of the office in confusion to some degree, didn't it? A. Yes, sir.

Q. Now, from the examination that you have made, and the inquiries that you have made of all the persons connected with this matter in your company, have you been able to get any further, or more definite information touching this item? A. Yes, sir; this money has been paid to Captain Schmittberger.

Q. This money was paid to Captain Schmittberger; well, do you remember now that your attention has been called to the particular circumstance, of how the money came to be paid to Captain Schmittberger? A. Yes, a man came to see me, and he pretended to come from the captain, and he told me that as we had not paid the \$10 a week for the officer for nearly a whole year, he wanted to know if I could not contribute to his payment; that must have been in November or December, the beginning of December.

Q. When this man first came to you? A. First came to me.

Q. Now at that time, the company had discontinued paying the \$10 a week, after De Gann had been removed? A. Yes.

Q. And he was removed, sometime in the early part of January, 1891? A. Yes.

Q. Now, this officer came to you and told you he came from Captain Schmittberger? A. Yes, sir.

Q. What did you say? A. Well, I told him I would consider for a fortnight about, and then Captain Schmittberger and this man came again.

Q. In a fortnight? A. About a fortnight, or three weeks; but he came on that day.

Q. On the day this entry was made, on the 31st of December? A. Yes, sir; oh, he asked me if I had decided to give the usual amount, a year's amount; that is for 52 weeks, less two or three weeks paid to De Gann; I gave him \$500.

Q. That left, after De Gann had received about two weeks pay, that left about 50 weeks? A. Fifty weeks at \$10 a week, \$500.

Q. And making a calculation on that basis, it amounted to about \$500? A. Yes, sir.

Q. Now, was this man that first came to you, this officer who first came to you—he was accompanied by Captain Schmittberger? A. Not the first time.

Q. But the second time? A. The second time; Yes, sir.

Q. Was the captain in plain clothes—civilian's clothes? A. Yes, sir.

Q. Was his man also? A. Yes, sir.

Q. Have you any recollection of his man's name? A. No, sir; but I would know him at once.

Q. You could identify him? A. At once.

Q. Did you have any lengthy conversation with the captain? A. None at all; very few words.

Q. Few words? A. Few words.

Q. You told him, did you, that you decided to give him the \$500? A. Yes, sir.

Q. And in what shape did you give him the money? A. In bills.

Q. In bills; and you handed it to him, and he left? A. To him, or to the man I am not quite sure.

Q. What is your best recollection? A. I think it is to him.

Q. To the captain himself? A. To the captain.

Q. And the money was taken? A. The money was taken, yes, sir.

Q. And that is the last you saw of him on that question? A. That is the last I saw of him on that point.

Q. Now, one more question; your sympathy has been touched to a great extent on account of appeals made to you concerning the captain and his large family? A. Yes, sir.

Q. Your sympathies have been moved? A. Yes, sir.

Q. But Mr. Forget you have come to recognize this as a public duty to come here to the witness stand and tell the whole facts; you recognize it as a public duty? A. Yes, sir.

Q. And you also recognize that in the payment of this money that it was for the interest of your company to be on good terms with the police? A. At the time; yes, sir.

Q. At the time; and of course you recognized here that this Senate committee does not wish to embarrass you or your company, but you have a duty to perform to the public; you recognized that? A. I do.

Q. And in your recognition you have come here this morning to give us the testimony you have given us touching the whole transaction? A. Yes, sir.

Mr. Goff.—That will do, Mr. Forget.

The Witness.—Thank you.

Matthew C. Riley, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Officer, how long are you on the municipal police force of this city? A. Twenty-six years next month.

Q. Twenty-six years? A. Yes, sir.

Q. And I notice, officer, that you have never received promotion? A. No, sir..

Q. You are a poor man, officer? A. Yes, sir.

Q. You are? A. Yes, sir.

Q. Officer, with regards to promotions, I want to ask you if it is a common understanding and rumor among the policemen of this city, that promotions can only be had on payment of money? A. Well, there are such rumors, but I don't—

Q. I am not asking you now for any specific cases; but when the officers meet in the ward room or the meeting room of the station-house, is not that subject frequently discussed and spoken

of, that promotions in the service, as a general thing, have to be paid for? A. Well, we have not got any rooms, the squad I belong to; we do not have any sitting rooms.

Q. You belong to the steamboat squad? A. Yes.

Q. And yet in meeting with your brother officers, hasn't that subject been frequently spoken of? A. Well, there are times; yes, that the men say such was the rumor.

Q. Now, hasn't it come to this 'extent that policemen who have been on the force for a great many years, and who have done good and faithful police duty and who have not been promoted, according to their length of service and work as policemen, has that not been made a subject of frequent complaint among the men? A. No; I don't think I could say so.

Q. You don't think you could? A. No, sir.

Q. Haven't you heard it frequently said that police officers of short term of service have been put over the heads of older men on the service? A. Oh, we know that; yes.

Q. Has it been openly said among the members of the police force that many of these promotions have been had through political favors? A. Yes, sir.

Q. Through the influence of politicians in their behalf; isn't that so? A. Yes, sir.

Q. And isn't it the cause of general complaint among the men of the police force, that promotions are not made upon merit alone? A. Well, yes.

Q. Now, officer, you have been on the steamboat squad for how many years? A. Fifteen years.

Q. And was there any particular dock that you were assigned to? A. Well, I was on a great many docks.

Q. Well, I will take it, for instance, you were on the Cunard dock? A. Yes, sir.

Q. For how many years were you on the Cunard dock? A. About five.

Q. Outside of your hours of police duty, while you were there on the Cunard dock, you frequently gave to the steamship company the benefit of your experience and your services? A. Yes, sir.

Q. Over your regular police hours? A. Yes, sir.

Q. On night and on Sundays, etc.? A. Yes.

Q. And for that work, officer, the steamship company allowed you \$10 per week? A. Yes, sir.

Q. So Mr. Bernard Brown testified to yesterday; now, had you to give up to any person any part of that \$10 a week you received? A. Yes, sir.

Q. To whom had you to give up? A. Well, I gave it to the wardman.

Q. To the wardman; well, how far back does that custom extend or originate? A. I can not answer that.

Q. You went into it under the custom? A. Yes, sir.

Q. When you went there it was the rule? A. Yes.

Q. What captains were in command of the steamboat squad while you had been doing that work? A. Captain Gastlin, and Captain Schmittberger.

Q. Well, in 1891 Captain Schmittberger went to that command? A. Yes, sir.

Q. But up to that time you had been, you say, giving up one-half of your allowance from the steamship company? A. Yes.

Q. How did you give it; once a month? A. Yes.

Q. And to the wardman, and that was the generally understood custom and rule among the policemen receiving extra pay from the steamship company? A. Yes, sir.

Q. When Captain Schmittberger took command was there any demand made on you by any one on the force for a greater amount than one-half of the money you were receiving? A. Yes, sir.

Q. Who made that demand? A. Officer Vail.

Q. What was he—the wardman? A. The wardman.

Q. Now, what did Officer Vail say to you? A. Well, he told me that Schmittberger wanted everything.

Q. Wanted everything? A. Yes, sir.

Q. And what did you say? A. I said no.

Q. Give us as nearly as you can recollect what he said to you in reply; the whole conversation as nearly as you can recollect? A. Well, that was about all; he walked away with that reply; I told him that was my answer; he wanted an answer and I told him that was it, "No;" that I would not do it for him or any other officer.

Q. That you would not do it for him or anyone else? A. No.

Q. Was there any suggestion or remark made by Vail that trouble could be made for you? A. No.

Q. In case you refused to give up the whole? A. No; but I knew myself what—

Q. You knew yourself that that would follow? A. Yes, sir.

Q. And notwithstanding that knowledge on your part you thought you would stand up for what you considered to be your rights in the matter? A. Yes, sir.

Q. And you thought you were giving up enough when you were giving up one-half of the extra money you received? A. Yes, sir.

Q. Did you hear about it more than once; was there a demand made upon you more than once? A. No; only once.

Q. What next did you hear about it, or what followed? A. Well, I was changed.

Q. You were changed; did the captain send for you? A. He sent for me to change my post, yes; Officer De Gann and I, the same morning.

Q. Officer De Gann and you went down the same morning to the office? A. To the office.

Q. Where you were changed? A. Sent over on the East river.

Q. Were you changed more than once after that? A. Yes; I was sent on the upper end of the river, and was there about a couple of months; after that I was sent to the lower end.

Q. Now, the first change that was made, the dock that you were assigned to, was an open dock? A. Well, it was a district; all open docks.

Q. Now, the Cunard dock is a covered dock? A. Yes, sir.

Q. And of course during stormy weather you had the advantage of being protected from the storms in winter, and snow? A. Yes, sir.

Q. Of course the officers naturally desire such a post, don't they; that is human nature? A. Yes, sir.

Q. None of us want to be exposed to storms if it can be helped; and it is looked upon as a choicer post than the post on the open docks? A. Yes.

Q. When you were sent from this dock with its roof and protection, you were sent to the open docks on the East river? A. Yes, sir.

Q. And finally brought down lower on the East river? A. Yes.

Q. Where are you on duty now? A. I am along on the open docks.

Q. On the open docks yet? A. Yes.

By Senator Pound:

Q. You have been on the force 26 years and never received promotion? A. Twenty-six years.

Q. Do you know how many officers there are on the force, men like yourself, who have served for upwards of 25 years and never received a promotion? A. No, sir.

Q. Do you know of any at all? A. I know some, but could not enumerate them.

By Chairman Lexow:

Q. As compared with the whole number are there few or many? A. There are not many in the business now that are in 25 years.

Q. That is to say all those who have seen 25 years' service or more have been promoted or retired or left the force? A. No, that don't always follow, if they have seen 25 years that they are promoted.

Q. I say they are either promoted or retired; aren't they? A. I do not rightly understand what you are getting at.

By Senator Pound:

Q. How many officers have remained on the force 25 years, and never received promotion, and have not been retired? A. How many there are now?

Q. Yes.

By Senator Bradley:

Q. About how many do you think? A. There might be probably a couple of hundred or more; I am not certain about it; there might be hundreds; I don't think they run more than a couple of hundred if they run that much.

By Chairman Lexow:

Q. There are a number of places on the force are there not that are pleasanter and more agreeable to officers than others? A. Oh, yes.

Q. In some places the duty is hard and in other places the duty is convenient and pleasant, isn't it? A. Yes, sir.

Q. Is it the general understanding on the force that when an officer receives a place that is a particularly agreeable one, or

more available and agreeable place, that he must pay compensation for that to some higher official? A. I don't know, sir.

Q. You don't know about that? A. No, sir.

Q. Isn't that an understanding among the members of the force? A. No, sir; I don't think so.

By Senator Bradley:

Q. For instance, getting detailed to courts, haven't you heard of men having to pay for being detailed to police courts and justices' courts? A. No, sir.

Q. You never heard of it? A. No, sir.

Q. I am not on the force, and I know it; you never was charged with a serious misconduct on the force? A. No, sir.

Q. Your record is clear? A. Pretty clear.

By Chairman Lexow:

Q. You know of any number of men don't you who have been promoted, who have not been on the force as long as you have? A. Yes, sir.

Gus A. Wolfe, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You have been sworn? A. Yes, sir.

Q. What is your business? A. My business is manager of a wholesale confectionery and chocolate factory, 114 to 128 West Twenty-fifth street.

Q. That is Maillard's? A. Yes, sir.

Q. Where do you reside? A. Two hundred and sixty East Seventh street.

Q. How long have you known Mr. Forget? A. Mr. Forget—I have known him pretty near as long as he has been in the company.

Q. You frequently traveled by that line? A. No; I don't travel, but we did a great deal of business by the line in the way of freight.

Q. Who first suggested to you to go to Mr. Forget and speak about Captain Schmittberger? A. The captain himself.

Mr. Goff.—That is good.

Chairman Lexow.— It is refreshing to hear candid statements some times.

Q. Well, the captain has spoken to you before Mr. Forget's arrival? A. Oh, yes; sometime ago.

Q. He expected that he would arrive here on the La Touraine? A. He did not know it at that time.

Q. He knew he was going to arrive on some ship of that line? A. Some ship; yes, sir.

Q. What did he say to you? A. He called at our office, and he asked to see me; I took him into the private office, and he told me that from what he learned there was going to be an investigation as to the affairs of the police, and that in all probability his conduct would be examined into, and he knew that I was a very good friend of the French line, and knew everybody almost in its employ; he asked me as an old friend of his, if I would not do him the favor to find out when Mr. Forget was expected back from Europe; I told him I certainly would, when I went down town again; I would stop in and inquire, which I did; they told me they did not know whether Mr. Forget would come in the next week's steamer or in two weeks; they hadn't any news, which I reported to the captain when he called again; so he told me to try again; I told him that when I came down town again, I would stop again; and I stopped in there the second time, and was told that they expected Mr. Forget on the La Touraine; well, as it happened, my employer notified me from the other side that he was going to sail on the 15th on the La Touraine — Mr. Maillard; I have a letter to that effect here; and the following week I received a cable which I also have here, to meet Mr. Maillard on the steamer, as was the custom of mine to do, whenever he came over, frequently; when Captain Schmittberger called I told him; I said, "Mr. Forget, I understand, is coming back on the La Touraine, and as a strange coincident, Mr. Maillard is on that steamer too, and I am going down to meet Mr. Maillard;" and he asked me, if I would not try and see Mr. Forget on the arrival of the steamer, and tell him he had something very important to see him about, and to grant him an interview; I was at the dock when the steamer arrived; I boarded the steamer immediately after the bridge was lowered, and met Mr. Maillard, and it happened Mr. Maillard was in the circle of friends that surrounded Mr. Forget, and his two assistants from the office, Mr. and Mrs. Schopp, and Mrs. Forget and

several other friends: I shook hands with Mr. Forget and called him aside and told him I wanted to ask him something; Mr. Forget said, "What is it?" I told him Captain Schmittberger had intrusted me with a very important message to see him as soon as he arrived, as soon as he could manage; he said, "Tell the captain he knows where I am, and if he wishes to see me he can find me at any time," which message I telephoned from the dock to our office, to send word to that effect to Captain Schmittberger, because he impressed upon me the importance of seeing me as soon as possible; and my mission ended there.

Mr. Goff.—I must say, Mr. Chairman, if I may be permitted an observation here, that the testimony of Mr. Wolfe corresponds exactly with the information that I received of the matter from our representative.

Q. You were not aware, Mr. Wolfe, that all your actions were being noted in talking to Mr. Forget? A. Not at all; I simply looked at it as a friendly service, as a service to an intimate friend.

Q. Well, you saw Mr. Forget after that at the Hotel Martin, didn't you? A. Yes; I stepped in there one afternoon; I happened to be opposite in 21 University place, which is the northeast corner of Ninth street, and the Hotel Martin is the southeast corner; I think it was the Thursday morning of the 3d of October; I went to collect some rent — Mr. Maillard has some property there, and I have charge of that property — and I then stepped in there to the Hotel Martin and inquired for Mr. Forget; and the gentleman at the desk told me he was still in his room; I told him to tell him Mr. Wolfe is here and here is my card; and he came down, and in the course of the conversation I said, "It looks very bad for Mr. Schmittberger; I have known him for several years, and I regret very much he should have got into this kind of trouble; he has a large family of eight children, and if you can put in a good word for him I would be very glad for his sake and his family's sake; and the conversation ended there.

Q. Is that all the conversation you had with Mr. Forget? A. That is all, sir.

Q. Did you see Captain Schmittberger after that, after you had the second conversation with Mr. Forget in the Hotel Martin; for instance, yesterday? A. Yesterday, no, sir.

Q. Did you see him yesterday? A. No, sir.

Q. Or the day before? A. No, sir.

Q. Any day this week? A. Yesterday was a holiday of mine; I did not leave church all day, from morning till night.

Q. The day before? A. No, sir.

Q. Did you hear this morning that Captain Schmittberger had been into your place of business yesterday? A. Oh, that I heard; yes, sir.

Q. Inquiring for you? A. So I understand.

Q. Now, I ask you if you saw him after you had the conversation with Mr. Forget at the Hotel Martin? A. I don't recollect correctly; I may have seen him once; I may have seen him once after that.

Q. Do you remember the conversation you had with him? A. I did not have no conversation with him at the time; I simply —

Q. You told him the conversation you had had with Mr. Forget; you told the captain how you had spoken to Mr. Forget in his behalf? A. I don't recollect. .

Q. Didn't he ask you if you had seen Mr. Forget? A. He might have asked me that; I can not refresh my memory as to that; I may have seen him. .

Q. You say you have known Captain Schmittberger for a period of years? A. Yes; I have known him when he was an ordinary detective, so to say, more than 20 years ago.

Q. In what precinct is your factory situated? A. In the Nineteenth where he is at present. .

Q. In the place known as Tenderloin? A. Yes, sir.

Q. Well, you, on account of your factory — we will leave Mr. Forget and that incident altogether aside — on account of your factory and business there, you have had some relations with the police, haven't you? A. None whatever; I do not see any reason for it. .

Q. If there were any relation had with the police on account of the business of your factory, could such relations exist without your knowledge? A. No, sir.

Q. You would have to know about it? A. Yes, sir.

Q. Are you aware that complaints have ever been made touching the obstructions of sidewalk by your wagons, and goods, and so on? A. A good many years ago; it was the time that the station was in charge of Captain Williams.

Q. Well, you have continued the ordinary course of business these years that you then continued? A. No, sir; that time,

if you will allow me to explain, at that time we had a habit of backing completely under the sidewalk, to the platform, which one of our neighbors objected to, but we have overcome that for a great many years by avoiding that; we don't back up on the sidewalk any more; that was the whole cause of difficulty.

Q. Haven't you found it necessary, in your business, in the shipment of goods, etc., to occupy the sidewalk for some portions of the day? A. No, sir.

Q. None at all? A. We keep nothing on the sidewalk, not a case; not a barrel; we keep absolutely nothing on the sidewalk.

Q. Do you know if ever there has been a demand or request made by any person claiming to represent the police department for a monthly allowance, from your house, on account of sidewalk obstructions? A. Never.

Q. Or on account of any other thing? A. Never.

Q. Did you use skids? A. Not at the present time; we used them only for sugar, when we get sugar, and that we managed to get early in the morning, so it will not interfere, we have a small bridge on the curb-line to the stoop on each side, so if we have to use skids to bring in sugar, then people can use that little platform to pass.

Q. Are you prepared to swear that your concern, or the concern of your employer, Mr. Maillard, has not paid a weekly or a monthly allowance to the police for something, no matter what — pay for something? A. I am prepared to swear that.

Q. Are you prepared to swear that such a thing could not take place without your knowledge? A. I am.

Q. And such a thing has not taken place? A. No, sir; I am 29 years in the employ of the house, and there is nothing going on in that concern, not even Mr. Maillard's private matters, that does not pass through my hands.

Q. And you swear that no money has ever been paid to the police or any member of the department on account of the business connected with Mr. Maillard? A. I am prepared to swear to that.

Q. Or presents given to them? A. Well, presents, I don't know; I can't say presents; if an officer comes, the ordinary officer, if he comes in from the street and asks for a box of candy, we give it to him; if a sergeant sent down for a box of candy, or a pound of chocolate, we give it to him, and we would give it to any other friend; but we do not give it in the spirit of a bribe, or anything like that.

Q. I know, Mr. Wolfe, but if some of the gentlemen around these tables were to send up to your factory for a box of caramels to give to his sweetheart as a present, you would not be likely to give it for nothing? A. Not unless he was a friend of mine.

Q. And yet, if a police official sent down for a box of chocolate or a box of creams, you would give it without hesitation? A. Certainly.

Q. Because he was a police official? A. For that reason alone; certainly.

Q. You recognize that the members of the police department have got sweet tastes and desires? A. Well, a good many of them.

Q. And, I suppose, the rule that has been applied to the officers and to the sergeants, would naturally be applied to the captains? A. Yes, sir; and very often the court officers.

Q. And very often to court officers, and, in fact, men holding public positions, Mr. Maillard? A. Mr. Wolfe!

Q. Mr. Wolfe, I should say; men holding public positions you would be inclined to give them a little present of a box of candy, or something, simply because they hold a public position? A. Exactly.

Q. And of course your memory being now refreshed upon that subject, you know that that concern has sent some ornamental boxes — when I say ornamental boxes I may not use the correct trade terms, but boxes of candy put up in nice, attractive form — to the captain of the precinct? A. No, sir; if they sent anything to a captain he gets an ordinary box like anybody else.

Q. He gets a common box? A. A common regular pasteboard box.

Q. No fixing up or ornamentation about it? A. No, sir.

Q. You have sent such boxes to captains of the precinct, to various captains? A. Not to the precinct; around the holidays, yes, we send as a Christmas present a box of candy.

Q. Do those boxes of candy include all the confections that you have ever sent to heads of the police department? A. How do you mean; an assortment of goods?

Q. Yes? A. Certainly; we never send out a single article; we give them different kinds of goods, bon bons, and caramels and different kinds of fruits — whatever the assortment is composed of.

Q. Were you ever requested by a police officer to give them a particular brand of candies, or particular kind of caramels, snow drops, or things of that kind? A. Not to my knowledge.

Q. Did you ever select a particular kind of candy to send to any particular officer? A. No, sir.

Q. They were mixed, were they? A. Mixed candies.

Q. How about your coffee; you manufacture coffee, don't you?

A. Coffee, we do not manufacture coffee; we manufacture goods flavored with coffee.

Q. Don't you manufacture cakes from which coffee or chocolate is made? A. Cake chocolate; yes, sir.

Q. Did it ever occur to you that your friends of the police department had a taste for chocolate? A. No, sir.

Q. That never occurred to you? A. No, sir.

By Senator Pound:

Q. How much candy would you give up to the police altogether in the course of a year? A. I don't believe it would amount to 15 pounds or 20 pounds; it is very rarely they ask for anything—the captain never; it is mostly the ordinary men that make the demand and ask for a package of candy for their families.

By Senator Bradley:

Q. You never see them put in a piece of candy called "Green-back?" A. No, sir; we don't put them up that way.

Bernard W. Wolff, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are in the liquor business? A. Yes, sir.

Q. And have been in it for some years? A. Yes, sir.

Q. And you have always endeavored to conduct your business in conformity with law, I am informed? A. Yes.

Q. Did you keep a liquor store at No. 202 Ninth avenue? A. That is the number.

Q. And how long ago is it since you kept that liquor store? A. Since '79—1879—the first of April, a lucky day.

Q. While you kept that liquor store, 202 Ninth avenue, was

any demand made on you by any policeman, or any person belonging to the police department, for money, in consideration for allowing you to remain open on Sundays? A. Well, not directly, of course.

Q. Indirectly? A. Yes, sir.

Q. Well, now, I appreciate your position, Mr. Wolff, very much, and my information of you is, that you are an honest, upright man; I ask you now, without other questions to tell the committee the whole of that transaction? A. Well, I would like to answer all questions, Mr. Goff.

Q. You do not want to volunteer anything? A. I would rather not.

Q. I understand your position; who was the person that ever first suggested to you that you pay some money to the police department? A. Well, that came through a different source, you know; I was persecuted, and, of course, I had to amend some way or to stop carrying on my business.

Q. How were you persecuted? A. By constantly being interrupted in my business by the police.

Q. And arrests made? A. Yes, sir.

Q. While these arrests were made you were not paying any money to the police? A. No, sir.

Q. And, of course, your business was being broken up on account of their continual interference with you? A. So much so, that I wished to sell out my place.

Q. That you were ready to sell out? A. Yes, sir.

Q. And, I suppose, friends suggested to you that if you made it all right for the police your persecution would cease? A. You are right; yes, sir.

Q. Did any police official, any man belonging to the police department, ever have any conversation with you on that subject? A. Yes, sir.

Q. Who was that official; wasn't it Captain Grant? A. It was not him personally, but his men that he had for that purpose.

Q. His wardman? A. I suppose he was a wardman; yes, sir.

Q. Do you rememehr the names of the wardman or the officer? A. Yes, sir.

Q. What was the name? A. One was Mr. Logan, and the other was Mr. Dougherty; I do not know whether I have their names right or not.

By Senator Lexow:

Q. What precinct is that? A. The Sixteenth, located on West Twentieth street.

By Senator Pound:

Q. When was it? A. That was in 1888, I think it was; that was the year of the blizzard; that was it that struck me.

Q. The blizzard; that is the police blizzard struck you? A. Yes, sir.

Senator Lexow.—He seems to have been struck by the blizzard before, and is trying to counteract it now.

By Mr. Goff:

Q. Did you mean by the police blizzard before, that you had been struck before? A. That was my first experience.

Q. That was your first experience in the year of the blizzard? A. Yes, sir.

Q. What demand did these officers make on you; give us your best recollection? A. That if I wished to do business after hours, as all others did, that I would have to pay a certain amount of money.

Q. What was the amount mentioned? A. Rather large, for me.

Q. How much was it? A. I was rather independent at that time, and they made a large assessment.

Q. What was the size of the assessment? A. Do you wish to know the amount?

Q. Yes? A. Twenty dollars.

Q. Twenty dollars a month? A. Yes; that is \$5 a week.

Q. Well, from the necessities of the situation were you compelled to accede to their demands? A. Yes, sir; or I had to close.

Q. Or you would have had to close? A. Or,—well, I could not do business.

Q. You could not do business under the conditions? A. Yes.

Q. It is a fact that other men in your business around your neighborhood who were permitted to keep open after hours, or on Sunday, practically speaking took away your trade? A. I don't know.

Q They prevented you—they interfered with you in your trade; if one man could keep open later than you without being interfered with, he had an advantage over you, hadn't he? **A.** I don't know what provision they had made with the captain.

Q. I understand; from the relations of the trade? **A.** Of course, like we all can draw some inference.

Q. They would have some advantage over you wouldn't they, men who were permitted, or who were not interfered with in selling after hours, or in selling on Sunday, they would have an advantage over you in catching the custom of the neighborhood? **A.** In looking at it in a business view, I suppose so.

Chairman Lexow.—He was actually being arrested from time to time, and that interfered with his business.

Q. And in order to prevent these frequent arrests and this persecution you were compelled from the necessities of the case to pay this monthly sum of \$20? **A.** For a certain time, and they made it—he made it a strong point to have me personally arrested, no matter where I was located in my place; no matter what it was; there were several arrests made there that I was not guilty of at all.

Q. But every time they made a raid on your saloon, as it were, they arrested you? **A.** I suppose it was a raid, yes.

Q. I don't mean a raid in an offensive term, I mean an entry into your saloon? **A.** Yes; forcibly.

Q. And from these continual persecutions you felt that they were particularly down on you? **A.** Yes, sir.

Q. And made a point to persecute you by these arrests? **A.** Yes; especially so.

Q. Did you ever talk with the captain; did you ever have any talk with the captain? **A.** I did at one time.

Q. What was that about? **A.** That reduced my assessment.

Q. Will you tell us if you please how you came to speak with the captain about the reduction of your assessment? **A.** It was at the time that Wardman Logan had some sort of difficulty; if you remember, probably they all know in that district, that he was removed from that district on account of some money transactions, and I went to the captain, and I explained to him, and I said, I am paying too much money here for protection; I am trying to do the best I can; I can not afford it.

By Senator Pound:

Q. Was that Captain Grant? A. Captain Grant; Mr. Donald Grant.

Q. Is he still a captain? A. Oh, yes; he is in that precinct where I am located, and that is the only captain I ever had any difficulty with; when I went to the captain I said, "I am paying too much money here, I can not afford it;" and so I handed him an envelope at the time with money containing for that month's due. .

Q. Twenty dollars? A. No; I was paying semi-monthly; it made it easy for him, and for the captain too, I suppose; and, well, he says, "All right;" he took it and laid it on the desk.

By Chairman Lexow:

Q. Speak out? A. Well, it was inclosed in an envelope, and not addressed; of course, it was not any real business transaction in it, and I told him it was for Mr. Hogan, which was the gentleman who collected it; and then I told him, says I, "What can you do in that case;" well, he said, "I will send Mr. Dougherty around some day this week or next week," and he did; and then he reduced it to \$10 a month.

By Mr. Goff:

Q. Gave you half rates? A. Yes, sir; I got a full percentage off then; and since then, when Captain Grant left, I had always conformed as close as I could, and closed up properly, and kept the doors closed.

Q. You had no more trouble with the police? A. No more trouble after Mr. Grant left the precinct with any captain at all, because I never paid in a cent since.

By Chairman Lexow:

Q. How long did these contributions made by you to the captain continue? A. Until he was transferred to another precinct.

Q. Do you know who that was? A. That was during the little eruption, when they all were transferred; I should judge a little over three years ago.

Q. Eighteen hundred and ninety-one? A. When they were all transferred.

By Senator Pound:

Q. So you kept up this disbursement for about three years?

A. Yes, sir.

By Mr. Goff:

Q. Mr. Wolff, you belong to the Sixteenth District Liquor Dealers' Association, don't you? A. Yes, I am a member of that.

Q. And has any action been taken in that association touching the payment by the dealers to the police? A. At that time I was not a member of the Liquor Dealers' Association, and as far as that action is concerned, I don't know anything about it; I simply pay the ordinary dues; that is all.

Q. What are your dues? A. I can not say now; let me see; they are about two dollars a month, I think.

Q. Two dollars a month, 50 cents a week; are there not special dues sometimes called for? A. Not since I have been a member.

Q. How long have you been a member? A. Since — well, I have been, and I was a member, and I resigned, and then I joined the organization again, in 1891. I think it was, as near as I can recollect, about three years.

Q. Well, to what purpose are those dues applied — \$2 a month, \$24 a year? A. The general expenses; they have got to pay rents, and then the delegates have expenses of their little disbursements, I suppose; I don't know.

By Senator Pound:

Q. How many members have you of the association? A. I can not say; over a hundred.

Q. Approximately? A. Well, 130 say, probably; I can not say; I am not one of the officers; I can not say how many they are.

By Mr. Goff:

Q. Who is the president of the association? A. Mr. McGarry.

Q. Where does he keep? A. He keeps on Ninth avenue and Twenty-sixth street.

Q. And who is the financial secretary of the association? A. Mr. — I think it is Mr. Richards.

Q. Isn't he the treasurer? A. No; Mr. Petry is the treasurer.

Q. Where does Mr. Petry keep? A. Ninth avenue.

Q. Have you a pass-book, showing the payment of your dues?

A. No, sir; I have not; I haven't it with me.

Q. I mean, there is such a pass-book? A. Yes, sir.

Q. And are there any other payments accounted for or allowed in that pass-book, except a monthly due? A. That is all.

Q. Did you ever hear about special assessments in the association? A. Not to my recollection while I was a member; let me see; I can't advisedly state; I may be in error, but I have forgotten.

Q. That is all right; you are not an officer of the association?

A. No, sir.

Q. I will not pursue that line of inquiry with you; that will do, unless the Senators wish to ask you any questions.

Chairman Lexow.—That is all.

Seth B. Robinson, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You are a lawyer, are you not? A. Yes, sir.

Q. Where is your office? A. Forty-nine Liberty street.

Q. Do you see Policeman Callahan in the court-room? A. I did see him here this morning; I don't.—

Q. Where is Officer Callahan (The officer does not respond.)? You have seen him here this morning, haven't you? A. Yes, sir.

Q. When did you first see Officer Callahan? A. On September 12th.

Q. Please tell us all about it in your own way? A. I was going down in the elevated railroad from Fifty-eighth street, and at Twenty-eighth street an officer came in and sat opposite to me, staggered into the car, and was so intoxicated he could not put his paper back into his pocket that he had taken out; at Twenty-third street, I got out, to go to the district court; he got out at the same place; I having noticed him in the car, I noticed him after; he stumbled down the first part of the stairs, and rolled down the latter part of the stairs, head over and over into the gutter; in an instant a man rushed up and assisted him to his feet, and hauled him down into the cellar underneath, Alexander's show store, at the northwest corner of Sixth avenue and Twenty-third street — it is a trunk store; I called the attention

of the roundsman, who was right there on the corner, to the condition in which one of his force was.

Q. Did you learn the name of the roundsman? A. O'Neill, I think it was; and at first he would not interfere or do anything; he came to the store, and those in the store said that there were no such man there, that no policeman had gone down; I insisted that he had, and about that time a policeman came out of there, and Roundsman O'Neill wanted me to believe that was the man; he was perfectly straight.

Q. You mean it was a man in a policeman's uniform? A. An apparent policeman, and finally, after much urging Roundsman O'Neill went down into the store, and after some time came back, and said he could find no such man down there; I still insisted, and my recollection is Roundsman O'Neill went down again and came back again, and reported the same, he could not find him; I told him I was sure he was there, and offered my assistance to find the man; I then went down with Roundsman O'Neill, and found there was no other means of getting out of the place, and in a few minutes I found this officer, Callahan, I believe his name is, with his coat and hat off, tucked away in behind these trunks, lying on his face; then Roundsman O'Neill took him out, and he fell on the floor, so intoxicated that time, and then he called a policeman down into the cellar again; I went up and after much more delay, Roundsman O'Neill arrested this officer, took him to the Thirtieth street station, and then they sent down to the Thirteenth street for a doctor, to see whether he was intoxicated.

Q. You was in the station-house at the time, wasn't you? A. I was; after a further delay, the doctor came.

By Chairman Lexow:

Q. Who was the doctor? A. I don't know.

Q. Was he a police surgeon? A. Yes, sir; a police surgeon.

By Mr. Moss:

Q. Wasn't it Dr. Cook? A. I don't know his name.

Q. Proceed. A. He was very courteous, and went through an examination; he admitted to me that the officer had been drinking, and was not then fit for duty; but I understand that he reported that he was fit for duty.

Q. Was the officer locked up? A. He was discharged.

Q. He was discharged; and went out on the street again, wasn't he? A. Well, that was after I left; he said he would speak to the roundsman and make his report.

Mr. Moss.—I think that is all we want of Mr. Robinson; this Officer Callahan is under subpoena, and has been in the court room to-day; and we shall need him later; there are other developments, concerning the same man; this is Officer Callahan, of the Leonard street station.

Diedrick Gereken, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Three hundred East One Hundred and Eighteenth street.

Q. And your business is that of a grocer, isn't it? A. Yes, sir; we have the grocery on the corner.

Q. That is in the precinct of Captain Westervelt, isn't it? A. I believe it is.

Q. He is your captain; did you have a burglary at your store recently? A. Yes, sir; I did, some time ago.

Q. When was that? A. I think it was about a month ago, I believe.

Q. In the month of September? A. I think it is; yes; last month.

Q. What did you lose? A. I lost about \$60 worth of cigars; and they broke the till, and did not get much; they tried the safe, and did not get that open.

Q. You reported that very soon after it occurred to the officer on the beat; didn't you? A. No; that was at midnight, about 2 o'clock; Officer Allen woke me up; we went down in the cellar and we found a man clear up under the stairs, a pretty respectable looking man, and he made believe he was intoxicated, but he was not; but I got a partition down in the cellar, that was all right, and they could not get up in the store, and everything was locked at that time; he brought the man up, and he asked me what to do, and I found everything was all right, and I told him to let the man go, and the next morning the clerk opened up, and the cigars and money was gone.

Q. The officer called your attention to the open door? A. Yes; he saw a light in the cellar.

Q. And you and he went down and found a man? **A.** Yes.

Q. You did not know at the time any cigars had been taken?
A. No, sir.

Q. The officer asked you what he should do? **A.** Yes; and I told him to let him go.

Q. And then you discovered you had lost some cigars? **A.** The next morning.

Q. Did you report that to the captain? **A.** I did, yes, sir.

Q. How did you do that? **A.** I sent the clerk up to the station-house and reported it; the captain came down and wanted to know what was gone. ,

Q. Captain Westervelt came to your store? **A.** I think it was the captain; we told him everything that was gone.

Q. Did a detective come to your store, too? **A.** That I don't know; I don't think so.

Q. Do you remember a citizen coming in and making some remarks at the time the policeman was present? **A.** Yes, sir.

Q. What were those remarks? **A.** Well, he told me the only thing to do was to grease these things, and get the goods back.

Q. Pay the officers and you would get the goods back? **A.** Yes, sir.

Q. And the officer was present at the time? **A.** Yes; the officer was present; that is, the captain, I believe it was.

Q. The captain then observed that a citizen had become acquainted with the matter; he noticed an outsider had come into the matter? **A.** Yes, sir.

Q. Then did the captain make any statement to you about reporting the case to headquarters? **A.** No, sir.

Q. Now, think a minute; didn't the captain say to you that the presence of this citizen had given him trouble, and he had been obliged to report the burglary to headquarters? **A.** No, sir; I do not think he did.

Q. What did he say about reporting the matter to headquarters? **A.** Well, I did not report the matter to headquarters.

Q. What did the policeman say about reporting the burglary to headquarters? **A.** He did not say anything.

Q. Didn't you tell Mr. Wood that the police captain said he would not have had to report that burglary to headquarters, excepting Mr. Wood had been present? **A.** No, sir; I did not.

Q. You did not tell Mr. Wood that; then if Mr. Wood has informed us so, you think he is mistaken? **A.** I think he is.

Q. Have you had any other troubles of a similar kind there since that time; wasn't the flim-flam game worked on you? A. Yes, sir; it was.

Q. When did that happen? A. About two weeks ago.

Q. How much did they get from you? A. They got the best of me to \$10.

Q. Did they get only \$9? A. No; they got the \$10.

Q. Then they were extraordinary flim-flammers; was this man who got the \$10 from you alone, or did he have a gang with him? A. No, he was alone at that time; he was alone in the store and a couple of men standing outside on the street.

Q. You were making change, or putting your money in the safe? A. No, I was counting up at the end of the day.

Q. And this man came in to get you to change a \$10 bill? A. Yes; this gang I noticed had been watching me for a half an hour, and I sent the clerks up stairs about two minutes before when they came in, and I was all alone there, and they had the best of me right there.

Q. When you discovered you had been cheated, you did not dare go out after the man? A. No, I see the others on the corner, and all they had to do was to go back and take the rest on the desk there, so I had to go back and put the money in the safe, and then the man was gone.

Q. Didn't you have some trouble after that? A. No.

Q. Wasn't there an effort to steal something from the clothes line? A. I believe there was.

Q. And didn't you turn that man over to an officer? A. Well, I told you it was my wife seen him.

Q. What? A. My wife seen the three of them hanging out right across the street there, and she was outside, and one of them went in the house, and she went after him, and just as she got on the head of the stairs, he was knocking on the dining-room door and asking the servant girl to let him fix the line and Mrs. Geerken sent him up — my wife — and just as he said that my wife came up, and told the policeman about it down on the sidewalk.

Q. What did the policeman do with the man? A. He just gave him a warning, that is all.

Q. Warned him and sent him off? A. Yes, sir.

Q. And made no arrest? A. No, sir.

Q. That is three occurrences of that kind inside one month?

A. And two of them right away as soon as this man got downstairs, and this one the policeman let him go.

Q. There is three efforts to rob you, two of them successful in one month, in Captain Westervelt's precinct, by persons traveling in gangs; twice at any rate? **A.** Yes, sir.

Q. What was the name of the officer that sent the last man away? **A.** That I could not tell you.

Q. Was it not Officer Allen? **A.** No; it was not Officer Allen.

By Senator Bradley:

Q. You say this citizen told you you had better grease the police? **A.** No; he thought if I did, they would get it.

Q. He thought if you greased the police you would get the goods back? **A.** Yes, sir.

Q. Did you offer to grease any one? **A.** No.

Q. You did not get your goods back, as a natural consequence? **A.** No.

Leon Buch, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? **A.** One hundred and seventeen Canal street.

Q. Do you know Mr. Hochstein? **A.** I do, sir.

Q. Did Mr. Hochstein send you to a Mr. Rosen with a chowder ticket? **A.** He did not.

Q. Did Mr. Rosen send you back to Mr. Hochstein with a chowder ticket? **A.** He did, sir.

Q. What was the occasion of that? **A.** Mr. Rosen is an uncle of mine, and he requested me to take this ticket down to Mr. Hochstein, telling him that business being in such circumstances now, that had rendered him impossible to take that ticket from Mr. Hochstein; I did so, and met Mr. Hochstein there in company with a gentleman of the name of Dr. Appel; Mr. Hochstein came over to me, and asked me what I wanted; and I told him that Mr. Rosen asked him kindly to take this ticket back again, as it renders him impossible to accept the ticket, as he is doing no business whatever; before I go any fur-

ther, gentlemen, I do not care to give this testimony, because I know it will only hurt me.

Q. What did Mr. Hochstein say? A. I refuse to give any further information.

Mr. Moss.— You can not do that, sir.

Chairman Lexow.— There is nothing to criminate you.

The Witness.— It will harm me a great deal, and harm my position.

By Chairman Lexow:

Q. What is your position? A. I am at present employed in the finance department.

Q. Of what? A. Of the comptroller's office.

By Senator Pound:

Q. Of this city? A. Yes, sir.

By Mr. Moss:

Q. How will it hurt you in that position?

By Chairman Lexow:

Q. You mean to say the testimony you give before this committee will be taken up by political forces in this city and harm you in your position? A. I do, sir.

Q. Why do you say that? A. Because it was through political influence I got my position.

By Senator Pound:

Q. Who is this Hochstein, that political influence should protect him? A. It is not because I got that through Mr. Hochstein; but I got it through another gentleman, and they are related pretty well.

By Chairman Lexow:

Q. And you mean this committee to understand the present condition in this city is that if you attempted to give testimony against such a man as Hochstein of this city, that your position as employe of the comptroller of this city will be at an end? A. Not only that, but I may openly say in this court that I am not sure of my life in walking through the district I live in.

Q. Don't you think under those conditions, it is time the young men of this city should come to the front and stop that kind of business? A. Yes, I do.

Q. So we shall be put in a position to stop it by legislation?
A. I do; but I do not think I myself will be capable to take care of that.

By Mr. Moss:

Q. We will put it on the record that you are an unwilling witness, that you are forced upon the stand, that you are obliged to testify; you have not volunteered any information whatever; we have only learned of this point by the veriest chance, and we have taken advantage of your being in the court-room, without any consultation; now, please tell us what Mr. Hochstein said? **A.** Well, this Mr. Hochstein asked me what I wanted and I told him that Mr. Rosen has sent this ticket by me to him, that he can not take it, and as soon as business will pick up a little bit, he is willing to pay for two tickets; he says, "I will not take this ticket back from you; if Mr. Rosen wants to return this ticket, let him come down personally and return this ticket; but if he does, I feel sorry for him;" he says, "If he wants to keep that place running, he better keep this ticket or else he will be pulled pretty quick."

By Senator Pound:

Q. What place did Mr. Rosen keep? **A.** A policy shop; I came back and told this to Mr. Rosen, that Mr. Hochstein said so and so, and Mr. Rosen being alarmed at this did not know what in the world to do; I don't exactly recollect what happened after that now.

By Mr. Moss:

Q. You do not know whether he bought the ticket or not? **A.** I do not know that, no, sir; I don't think he did, but perhaps he did after that.

Q. What was that association? **A.** A chowder of the Hochstein Association.

Q. Where does that association meet? **A.** I don't know; I never come in contract with those people in my life.

Q. Do you know who is the president of the association? **A.** Yes, sir.

Q. Who is? **A.** Honorable Timothy D. Sullivan.

Q. You mean to say that you have seen the name of Timothy D. Sullivan upon the pasteboard? **A.** I saw it on the card; I

do not know he is chairman of the association; I do not know positively.

Q. You don't know positively, whether he is actually chairman or not? A. No, sir; I have seen it on the cards.

Q. Those cards of the Hochstein Association are all around the districts, are they not; you see them frequently in the district, don't you? A. Well, generally when the chowders take place, I see his name.

Q. And upon that announcement of the society there is a list of names generally; isn't there? A. Yes.

Q. Of members of the society? A. Yes, sir.

Q. And a large number of prominent names appear upon that list? A. Yes, sir.

Q. We will produce the list later; but whether those names are put there by authority, we can not say? A. I do not know, sir.

By Senator Bradley:

Q. How much was the ticket? A. I believe four or five dollars; I don't know.

By Chairman Lexow: .

Q. Witness, this opinion you advanced a few moments ago with reference to the uncertainty of your tenure of office — Senator Bradley.—And life.

By Chairman Lexow:

Q. —in case you said anything against a district leader of a ward in this city, is that shared by those who are similarly employed as you are by the city departments here? A. Well, sir, I know one thing, that I have been discharged once before through political influence, after being employed in the New York post-office.

Q. That is not an answer to the question: what I ask you is whether clerks similarly employed as you are in the departments of this city, have the same fear of developing against the powers that be, that you seem to have on the witness stand here? A. I think so.

Q. That is the general feeling? A. Yes, sir.

Q. The general feeling that if they do that, if they come here and tell the truth, that they will be discharged from the offices

they hold? A. The general thing is that almost every clerk I have known of, and every federal or city position I have held in the city of New York, was all the time through political influence.

Q. And the withdrawal of that influence, would mean your leaving the place? **A.** Yes, sir.

Q. And do you understand that all the offices here of a similar kind are filled in just that way? **A.** As far as my experience went; I do not know about others.

Q. And their tenure depends entirely upon the good will of the politician who put them in the office for the time being? **A.** Yes, sir; and also I know that after my testimony here, that I might as well say good bye to my position.

Chairman Lexow.-- Let us know, if anything of that kind takes place.

By Mr. Goff:

Q. Why do you feel that? **A.** Well, I have been notified already.

By Chairman Lexow:

Q. By whom? **A.** By the finance department; that my services were not required any more, after having given my testimony to Mr. Pfeffer.

Q. When was this notification sent you? **A.** Last Wednesday, a week ago, yesterday.

Q. By whom? **A.** By Controller Fitch.

Q. Personally? **A.** Through a letter.

By Mr. Goff:

Q. Have you got the letter; you were talking about a letter? **A.** Yes, sir; that my services were not required any more.

Q. How long after you gave your information to Mr. Pfeffer that led to your being introduced as a witness here? **A.** I gave my information to Mr. Pfeffer, I believe, about a month and a half, or two months, ago, if I am not mistaken.

Q. Did you know that Controller Fitch ascertained that fact? **A.** I do not know; the only reason given to me was I was incapable of filling the office.

Q. How long had you filled it? **A.** One week.

Q. You had been in the finance department one week? **A.** Yes, sir; a week and four days.

By Senator Pound:

Q. What brought you here this morning? **A.** Just simply to—I never had a chance to see the committee here assembled, and just came in here this morning by chance; I have nothing else to do.

By Chairman Lexow:

Q. What position under any head of the city department here did you occupy previous to your engagement in the financial department? **A.** New York postoffice, under Postmaster Van Cott.

Q. And how long were you there? **A.** I was there twice; I resigned once, and went back again.

Q. I mean in point of time; how many months, or how many years, or how long? **A.** Over a year; about a year and a half.

Q. You were not discharged there by reason of incompetency? **A.** No, sir.

Q. What office there did you fill? **A.** As senior clerk, second division of the New York post-office.

Q. Were the duties there more difficult than the duties assigned to you in the finance department? **A.** I do not think there is anything hard; I had harder work in the post-office than in the finance department; in the finance department I had only to make out bills all day long; and I think a boy of 10 or 12 years is capable of doing that; and I do not see how they claimed I was incapable of filling the office.

Q. What leads you to suppose a connection between your dismissal from the finance department and your giving this evidence, or testimony, or giving your testimony to Pfeffer? **A.** Because I was appointed there through politics, and discharged by politics.

Q. You are not employed by the city at the present time? **A.** No, sir.

Q. What did you mean when you said a few minutes ago that if you gave testimony before this committee you would be discharged? **A.** I made a mistake; I meant to say that I had something in view of getting, and that by making a statement, I would hurt myself; that is what I meant to say.

By Senator Pound:

Q. Then you said — you went on to say you might as well send in a resignation? A. I did not say I would have to send in a resignation.

Q. Yes, you said that; what did you have in your mind when you said that? A. I simply meant when I gave this testimony, that I have something in view, and I meant to say that by giving the testimony here this morning, I might as well take myself out of mind of getting it at all; that is what I meant to say.

Q. Didn't you intend this committee should believe you were now in the position in the finance department, and the giving of this testimony would be tantamount to dismissal; didn't you intend the committee to understand that, and believe it? A. No, sir; I believe not; you took me so by surprise, if any error I have made I wish you will overlook. , \

Q. We want you to tell the truth, and if the unfortunate condition you have implied actually exists in this city, the sooner we understand it the better; but we want it by truthful testimony? A. So far as I have testified I have been employed in the finance department, I have told the truth.

Q. You were employed in the finance department a week and four days? A. Yes, sir.

Q. And some three weeks ago — how long ago did you receive this letter from Fitch? A. A week ago yesterday.

Q. A week ago yesterday, you received a notification that your services were not any longer wanted, on account of your not being able to fill the position? A. No, sir.

Q. You are under no dread of discharge in giving the testimony you have given? A. No; the only dread I was in was I expected something in the city department, and am afraid through giving this testimony I won't get it.

Q. Who caused your discharge? A. That I don't know.

By Chairman Lexow:

Q. You can not connect your discharge in any way, according to your own knowledge — you can not connect your discharge in any way with the information you gave to Pfeller, can you? A. No, sir. ,

Q. Have you no knowledge? A. No, sir; I don't know.

Q. It is entirely inferential on your part? A. Yes, sir.

By Senator Pound: ,

Q. You cherish no feeling of animosity to anybody for having been discharged; are you trying to get even with anybody for

causing your discharge from the finance department? A. I do not know him. ,

Q. Well, anybody? A. I have no opinion who caused my discharge. ,

Q. You feel bad about your discharge, don't you? A. I do I have parents to support, and have nothing to do at present.

Q. And you would like to get even with somebody by reason of your discharge? A. I don't know with whom to get even.

Q. With somebody? A. I don't know who the party is.

Q. With anybody, shooting in the air indiscriminately to get even with anybody for having you discharged? A. I did not come here with that purpose.

By Mr. Moss:

Q. The fact is this man's name is not on our list at all; he chanced to come in court; I will ask one further question: Have you made application for employment in any other department? A. I have, sir.

Q. In another department in this city? A. I have, sir.

Q. And it is that application that you feel to be jeopardized by your testimony here? A. Yes, sir.

Q. And in saying that you might as well send in your resignation, you meant you might as well withdraw your application? A. Yes; that is what I meant exactly.

By Chairman Lexow:

Q. Were you ever employed by the city before except by the finance department, as you have testified? A. I was employed by the New York post-office.

Q. By the city? A. By the city, never before.

By Mr. Goff: .

Q. Are you acquainted with the condition of feeling around Essex Market police court, touching persons who testify before this committee? A. No, sir.

Q. Do you live in that neighborhood? A. I live in Canal street.

Q. East or west of Broadway? A. East of Broadway.

Q. East of the Bowery? A. East of the Bowery.

Q. Then that is in the neighborhood of Essex Market police court? A. Well, not far from it.

Q. Well, now, I ask you, have you heard anything said about that neighborhood, about witnesses before the Lexow committee? A. I have heard a great deal and read a great deal.

Q. I mean have you heard it spoken about in the saloons and other places—witnesses coming before this committee and testifying? A. I don't frequent saloons.

Q. At any places where men gather? A. The only place I go to is the club-room.

Q. What club? A. The Humane American Men's Association.

Q. Is that the only society to which you belong? A. I belong to a great many others, but I can not afford it now.

Q. Do you belong to any political club? A. I do not, sir.

Joseph H. Brown, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Are you a clerk in the Court of Common Pleas in this city? A. Yes, sir.

Q. What are your particular duties? A. In the naturalization department, filling out affidavits, etc.

Q. In the naturalization department? A. Yes, sir.

Q. There are periods of the year, I assume, that you have not much to do in the department? A. Not lately, there has not been, Mr. Goff.

Q. Kept pretty busy all the time? A. Kept pretty busy all the time; the work we do in the fall keeps us pretty well up in the spring to straighten that out, index, etc.; in fact, in the last several years, owing to the increase of immigration, we have a great deal, and it has been almost an impossibility to keep the work up.

Q. That is to keep the work up in regard to the arrangement of your record? A. Yes, sir; filing the affidavits, etc.

Q. Now, there is a season of the year when you have a rush of applicants greater than another season? A. Yes, sir.

Q. What is that season? A. That is the fall season, coming on; well, when I first went in the office it would start in the middle or latter part of September, and last up to within 10 days of election; now, for the last several years there has been such an immigration we generally start in about the middle of

June or 1st of July; the tide seems to set in earlier now, owing a great deal to a law having been passed by the Legislature requiring persons holding positions in the department, or contractors employing help, it is required they shall be citizens; and that gave us a great rush of applicants during the summer months; and labor unions require their people to be citizens of the United States, and that has been a great cause; we take a great many declarations besides the final naturalization.

Q. Declarations of citizenship? A. Yes, sir.

Q. Declarations of intention? A. Yes, sir; we take as many, I suppose, as 10,000 a year.

Senator Bradley.—That law has only been passed this year?

Chairman Lexow.—Oh, no.

Senator Bradley.—About requiring citizens.

The Witness.—Yes, I spoke about the men on the public works; but I say labor organizations require their people to be citizens, or file their declarations; and that has made us busy for the last five or six years.

By Mr. Goff:

Q. We notice here in the hallways of the courts quite a crowd of men outside of your door? A. Yes, sir.

Q. Isn't it correct to assume that they are applicants for naturalization papers? A. That is right, sir.

Q. So that really your great rush commenced about 30 days preceding election in each year? A. The extreme rush about that time.

Q. Have you got to have any additional force of clerks? A. No, sir; there is only two of us that does the whole thing; well, the clerks are employed in the other branches, and they can not spare them.

Q. Can you tell us how many persons were naturalized in that court yesterday? A. I think there were 63.

Q. Sixty-three? A. Yes, sir.

Q. And could you specify the number the day before? A. Sixty two.

Q. Sixty two? A. Yes, sir.

Q. Is that a statement of the average? A. That has been the average this year.

Q. About 60? A. About 60; we did one day, that was the Hebrew holiday, the Hebrew New Years, a week ago Monday.

we naturalized 104; and yesterday, the reason we had such an influx of applicants for citizenship was that it was the Jewish Day of Atonement, and there are a great many Hebrews who are not orthodox, who take that day to go down to be naturalized.

Q. Now, all these applicants are brought before the judge at chambers? A. Yes, sir; before the judge at chambers.

Q. They apply first to your bureau? A. They apply first to our bureau.

Q. Now, what has the office established in the rate of charge for the furnishing of certificates? A. Fifty cents is the fee.

Q. Fifty cents? A. Yes, sir; 20 cents for a declaration.

Q. Is that provide for by law? A. By statute.

Q. By special statute covering that cost of 50 cents? A. Yes, sir.

Q. Well, you have more ornamental certificates of citizenship for which you charge more? A. No, sir; we used to have, but we have done away with them, to a certain extent.

Q. Now, the certificates of citizenship are of uniform charge? A. Yes, sir.

Q. Are there or not political organizations here who contract with you for the payment of all fees? A. There are political organizations that send in the fore part of the season a check to cover the first naturalization fees of the parties they send there during that period; they deposit with the clerk a check, and when that is used up they send another check, and if there is a balance over, it is returned to the organization; we had checks deposited by the Tammany, by the Republicans, and by the German Reform Union.

Q. The German-American Union? A. Yes, sir; German-American Union.

Q. Has that been the custom? A. That has always been the custom; yes, sir; ever since I have been connected with the bureau.

Q. The rule is that these political organizations send checks, and your department keeps a record of the number of certificates issued and charge the fees for each certificate up against the checks? A. Yes, sir; each organization sends its ticket, and we file that as a voucher.

Q. You check off? A. Yes, sir.

Q. That is a charge against the deposit? A. Against the organization.

Q. What I mean is against the deposit made by that organization? A. Yes, sir.

Q. Now, as long as we are on that subject, could you give us the amount of the check sent by the German American Union, for instance? A. I could not tell you that; Mr. Luhrs, the assistant, my fellow clerk, he knows; but I think they deposited a check for \$100.

Q. Can you tell us the amount sent by the Republican organization? A. I could not; I do not recollect anything about that.

Q. Can you tell us the amount of the check sent by the Tammany organization? A. Fifty dollars.

Q. Could you tell us the amount of the tickets received by you from the respective organizations? A. Well, I think, yesterday, out of a total of naturalizations of 64, I think it was, I think there were some 31 tickets received.

Q. Thirty-one? A. Yes, sir; that represented the three different organizations.

Q. I mean in the aggregate? A. Yes; about 31 tickets out of the total naturalization.

Q. Well, in cases where the organizations sent their tickets, is not the applicant for naturalization accompanied by some person representing the organization? A. He may be outside; but he is not accompanied inside.

Q. He may be put on the line? A. I believe the custom is, when they get a number of applicants together sufficient to send a runner, or a clerk employed by them, that person brings them over to court and places them in the line; his function ceases there; then he deposits with another clerk or attache of the bureau the tickets for these particular persons; after the person has been naturalized, he goes to this party and gets his ticket, and then when he comes in to get the certificate he gives his ticket up; I have a great many applications that I have refused during this time on file; cases where they appeared before me, and the evidence was not sufficient; and I have those applications with me.

Q. Do you put a certain formula of questions to each applicant? A. Yes, sir; we get as near as possible the prevailing question; we ask them about who makes the law of the United States; whether they are familiar with the form of government of the United States, and the State; the chief executive officer of the United States, and of the State; and as to their residence, and their intention; and how long it has been their intention to

be citizens of the United States; that we invariably ask every applicant. 1

Q. That is the formula? A. Yes, sir.

Q. So, that being the formula and being known as such, it is quite possible and easy of accomplishment for an applicant to become possessed in advance of the proper answers to give to those questions? A. Yes, sir; the applicant before applying for naturalization could go in the court room, and go down and see the judge interrogate the applicants for citizenship; he gets those questions there; they know just as well as I do the questions they have got to answer, by sitting in the court room and listening to the questions which the judge propounds to each applicant.

Q. Have you ever tried mixing or changing the formula? A. Yes, sir; but you can not trip them up.

Q. They are all prepared upon that? A. They have got it down; in the case of a person who applies for citizenship under the baby act, that has arrived before they are 18 years old; a great many know if they come in the country before they are 18 years old that is sufficient; I had a case of a party I knew of applying for his naturalization; I asked him his age; 17 years; how long have you been in the country; 17 years; how old are you now; 17 years; it was so prominent in his mind, the 17 years, that he could not answer anything else; I ascertained afterward he was only 23 years old, but he looked nearer 48 years.

Q. He stuck on the word 17 years? A. They know the law provides that an applicant coming here before he is 18, that if they say 17 years that they come under that application of a minor; our interpreters and ourselves get along pretty well; I have a clerk there who talks German very fluently; I have a slight knowledge of that myself; get off a little Italian once in a while, and we manage to get through very nicely; I do not know how they used to get along in the olden days; but they never had in previous years such a mixed lot of people as we have now; it used to be, in my earliest knowledge, they were principally German and Englishmen; now we have Huns and Austrians and Russians and Italians.

Q. How about the Irish in those days? A. I say, they were the British; the English-speaking people; we are naturalizing very few Irish now; I guess they are all naturalized.

Q. In a case, such as the one you have spoken of, where it was apparent to you, from the appearance of the man, and he made such answers to you as you have described, that he was

17 years in the country, and he was 17 years of age, etc., was there any — so far as your cognizance went, your duty — was there any duty devolving upon you to interrogate that man further? A. Well, I only cite that, Mr. Goff, because it happened; it happened 10 or 12 years ago; it only shows you that at that time the judges who asked them were not so particular as they are now; the judges are very particular now, and as soon as a man said he was 17 years old, and had been five years in the country, and answered the other questions the court put to them, they were naturalized; at that time I know that the applicant was refused; I know we refused a great many applicants every day; and we have them insult us; I had one fellow tell me to kiss his arse one day last week; and I got the officer to remove him; we have to stand a great deal of abuse from people whom we refuse, a great deal of abuse; they think we have nothing else to do but make out their papers and ask no questions; and if we refuse — a man was going to bring me before the Lexow committee because I refused his application; if that is all the committee wants me for, I —

Q. Well, you regard your duties as purely ministerial? A. Certainly.

Q. Clerical, rather? A. Yes; clerical.

By Chairman Lexow:

Q. You try to get out a system of questions, do you not, that will elucidate the points, whether or not the citizen who presents himself for naturalization is competent to undertake the functions of a citizen of this country? A. We do; yes, sir.

Q. And do you carry that through intelligently with each man as he presents himself? A. Every man; every man is asked the same question.

Q. Do you mean to say you follow the exact curriculum in those instances? A. In different forms; one man we will ask who makes the laws of the United States; the next man, the first question we ask is, what form of government have we here, and how long has it been your intention to be a citizen of the United States, and in fact we ask him more questions than the law requires, as the law is very vague.

Q. When you asked them those questions, do you require they shall stand alone, unaided by anybody else, or anybody else in the immediate vicinity? A. We do, and when we capture persons coaching them, we refuse the application.

Q. Isn't it a fact, known to you, and within your experience, of the last few days, that there are coachers at work coaching these individuals that want to be naturalized? A. No, sir; there is not.

Q. Haven't you observed that there are gangs of individuals now seeking naturalization apparently under discipline with men at their heads who take them and put them through the form? A. No, sir; we take no cognizance of any organization; we do not know when an applicant comes before us whether he is a Democrat, or Republican, or a German Reform Union, or anything else; and consequently we take each applicant as they appear; our quarters are such that we are compelled to work under great disadvantages; our room is very small, and the people crowded in there.

Q. Haven't you observed in the last week or 10 days gangs of these individuals who desire naturalization, apparently marshalled by leaders? A. No more so than any other year.

Q. I admit that proposition; don't you think there has been any gang; haven't you seen politicians in charge of those who came to you for naturalization? A. No, sir.

Q. Are you prepared to swear that is the case? A. I am prepared to swear to that; yes, sir; on my oath.

Q. And those who come for naturalization, are not conducted by well-known politicians of this city to your office? A. They may be outside, but not to my office.

Q. Haven't you remarked that they have been outside? A. No, sir.

Q. Keeping them in line, and marching them in the line that goes into your office? A. I have been asked by parties outside to pass them inside; and I told them the officer had charge of the line, and they must do as the officer wished; and the officer is very particular, and, in fact, he is very rigid, and gives a great deal of offense to some of these people, and he puts them in the line and keeps them in the line outside.

Q. Isn't it a fact that some get in ahead of others? A. That is the case where an applicant has lost his declaration of intention, and we require him to come inside and there get a copy and sign the book.

Q. Isn't it the fact that active political workers are now and have been for eight or ten days past securing the prior admission to those they have there to your office? A. No, sir.

Q. Are you prepared to say that? A. I am prepared to say so, to the best of my knowledge — inside of the office.

Q. And you say you do not allow anybody to stand next to the applicant? A. We can not help that.

Q. Or suggest anything to him? A. If they do, we reject him.

Q. Does it prevent your having a second man with you at the time you put these questions in reference to his intelligence? A. There is nothing.

Q. It would only take a little more time? A. Yes, sir.

Q. Don't you think that would be time well spent? A. To take these applicants inside?

Q. To take these applicants apart, so nobody can suggest to them answers to those questions? A. If we had facilities we could do so, but our office is small; we have papers lying around there, and it would not be right to have those people going in there; our papers are all around; and we have such small quarters, we have to exclude the people outside of that, and we have only one officer on the outside, and it is impossible to keep these people back; and sometimes they make a break, and we can not do anything at all.

Q. And you mean to state here that nobody gains prior entrance or receives his naturalization in point of time before another, because of any influence that he exercises through a district leader, or otherwise, in this city? A. Not to my knowledge.

Q. Can you swear positively that that did not occur? A. I can swear almost positively that it did not occur; sometimes parties are brought down, where the judge or somebody upstairs, they want a party naturalized, and they bring him down, some attache of the court, but I do not know of any people getting any preference.

Q. We are not referring to the judiciary part; we refer to the action that precedes investigation by the court; isn't it a fact that, through the interest of district leaders or otherwise, there are some who gain prior admission to others, and are naturalized in advance of others, who otherwise would be compelled to remain in their line in turn? A. That has been done in former years, but this year that has been the exception: the officer got his instructions from the chief clerk of the court, Mr. Wagstaff, and he has enforced his orders very thoroughly; there may be a case; there may be an individual case, but, as a general thing, it is not so, sir.

Q. I am not implying that the clerk, or that you, or anybody connected with the office, lends himself to any such proceedings as that; I am simply asking whether or not through the influence of those on the outside people do secure admittance there in advance of others, and do not remain upon the line? **A.** I can not recall any cases of that kind.

Q. But you are not prepared to say that is not the case? **A.** Well, I would not want to swear positively; I do not know.

By Mr. Goff:

Q. I want to ask you one question; you exercise as much care and caution as you possibly can? **A.** Yes, sir.

Q. In making out these certificates, and in putting your inquiries to the applicant—**A.** Mr. Goff, I want to explain one thing: we are not required—the clerks are not required—to ask the questions we ask; we do that to facilitate the business of the court; and all we need is to ask the applicant how long he has been in the country, and how long the witness has known him, and find out whether he has been a man of moral character; the court puts the other interrogatories, but we do that to help the court, so as to exclude as far as possible the wheat from the chaff; I have applications down there now that I have refused, and I keep the applications I refuse; but the court asks these questions, and we facilitate it by asking them.

Q. In these cases, where you in the exercise of your discretion refused the application, the applicant can not go further than the clerk's office? **A.** Where I refused the applications?

Q. Yes; for reasons that are satisfactory to you, and you decline to issue the papers, and decline to grant the application, so far as you are concerned, that ends it? **A.** Yes, sir.

Q. So far as that application is concerned? **A.** Yes; they may go over to the other court, and may be slide through there.

Q. I know, but so far as your court is concerned? **A.** Yes, sir.

Q. So we have it now that the clerk, not vested with any judicial authority or any ministerial powers, but simply the clerical power, may in the exercise of what he considers a discretion prevent an applicant from obtaining naturalization papers in your court? **A.** Yes, sir.

Mr. Goff.—It is a very important thing, Mr. Chairman and Senators.

Chairman Lexow.—He takes judicial functions.

By Senator Pound: ,

Q. As matter of fact, of course there is nothing in the law which requires any question to be put with regard to the knowledge of the applicant of our institutions? **A.** No, sir.

Q. A man, no matter how ignorant or unfamiliar they are with our laws, if he answers the other qualifications of having been a sufficient time in the country, and can prove his good moral character by two witnesses, he is entitled to naturalization, so far as the law goes? **A.** Yes, sir.

Q. But the judges can and do discriminate about introducing new qualifications, and passing upon them and rejecting applications for naturalization? **A.** Yes, sir.

Q. No matter whether they are of good moral character? **A.** They inquire after that, and all they can get is the evidence of the witness on his oath; if the witness swears to good moral character, they cannot go back of that.

Q. Do you think that when the statutes were enacted to prescribe the qualifications of citizenship the lawmakers had any educational test in view? **A.** That I would not like to answer; I don't know what their intention was.

By Mr. Goff:

Q. You have stated the clerks voluntarily, without any duty having been imposed upon them, put these questions for the purpose of aiding the judges in their work? **A.** Yes, sir.

Q. In these cases where the clerks have put the questions, the judges determined to a great extent upon your examination? **A.** Not always; no, sir.

Q. As a general thing? **A.** They reject them, even if they have passed the ordeal; the trouble with a good many of these people when they come before us they will swear to anything; they will swear the legs off an iron pot; but when they go before the judge many of them will weaken, and the judge will find discrepancies, as to the statements they gave us and the statements of the court; under a rule adopted by the court, we place at the head of the affidavit the time of the arrival of the applicant in the country, and the time the witness became acquainted with him; that is put on the paper, and that is before the judge, and the judge will ask those questions, and sometimes they will tell a different story entirely; in the case

of a minor the person is put on the affidavit, the time of arrival in the United States, and the time of the arrival of the witness with the applicant, and that is put on each affidavit, and that is before the judge when he questions the applicant.

Q. But since this clerk puts those questions to aid the judge in his work, that custom must have been intimated by your superiors? A. The judge—Judge Daly started that in the first place.

Q. The old chief justice? A. No; the young chief justice.

Q. The present chief justice? A. Yes, sir; he stated a man who was not intelligent enough to know about the institutions of the country and the law-making powers, etc., was not the right person to make a citizen, because he could not exercise his authorities intelligently after his admittance to citizenship; and he rejects a great many cases on those grounds.

Q. What I have reference to was as to the custom of clerks putting these questions, and these questions acting as an aid to the judge; the point we seek to inquire in that relation is, does it facilitate the judge and enable him to pass upon the application, relying upon the force of your application? A. No, sir; the judge knows nothing about it.

Q. No record goes to the judge of the question you have asked? A. No, sir; the judge does not know we ask those questions.

Q. So that the judge acts independently of you? A. Yes.

Q. As if no such questions were asked? A. Yes, sir.

Q. So that, as a matter of course your putting those questions enables you to sift it out, as it were, the disqualified from the qualified? A. As near as we possibly can.

Q. And when you classify an applicant as disqualified that ends him as far as that application is concerned? A. That ends it, at that time; he may slip in the line again and come before us.

Q. And if they slip in the line again they come to you a second time, and you put the same questions, in the ordinary course of human events, they could not acquire sufficient knowledge in that space of time to answer what they were unable to answer before? A. Well, I don't know; they may go out and ask some Italian bootblack and get all those facts.

Q. They might go out and be coached by somebody putting them in line? A. Yes, sir; the questions really have nothing to do with the law.

Q. What we are interested in now is the condition of affairs that enables the clerk to determine in advance of the judge whether or no the papers of the applicant for citizenship shall go before the judge; that is the condition? **A.** That is it; I have been there a good many years, and through my own knowledge, I know pretty well.

By Chairman Lexow:

Q. That is for the purpose of preventing fraud, is it not, Mr. Clerk? **A.** Yes, sir.

Q. Now, do you think that as many as eight people can be naturalized in one day, with a due regard to the ascertaining of the truth of the facts they swear to? **A.** Yes, sir; that is a very small number.

Q. You do not think it is an excessive number? **A.** No, sir; that is not; that is, 90 applicants; a judge can take five or 10 minutes on that.

By Mr. Goff:

Q. But the judge at chambers attends to his ordinary chamber business? **A.** Yes, sir.

Q. At the same time as the naturalization business? **A.** Yes, sir.

Q. There is not a special judge assigned to the naturalization? **A.** No, sir; that is chamber work.

Q. And so he has to attend to that and to the hearing of ordinary motions that come up every day, etc? **A.** Well, sometimes we do not get out there now until pretty near 7 o'clock at night; and it takes us from 9 o'clock in the morning to that time to wind up the last cases; the judge sometimes stays there till 5, and sometimes after 5.

Q. And he stays there only during this rush of business of the applications? **A.** Yes, sir.

Q. The usual court hour ends at 4 o'clock? **A.** Yes, sir; after having done his other court business, he takes up the applicants for naturalization.

Thomas Goese, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. General, when are you going to give us one of the larger court rooms? **A.** I don't know; we have done the best we could up to date.

Q. Well, we thank you; we thank you for getting us back here and saving our lives from the old building? **A.** That is fair enough, I presume, from the city.

Q. How many years have you been clerk of the Superior Court? **A.** About 24.

Q. What clerk has got charge of the naturalization business? **A.** Myself.

Q. Yourself? **A.** Yes.

Q. You look after that? **A.** I do.

Q. Can you tell us how many were naturalized yesterday? **A.** No; I did not look; probably about 350.

Q. Three hundred and fifty? **A.** I should judge so; but I can get the figures if I want them.

Q. That is an approximation; and the day previous? **A.** Day before yesterday?

Q. Yes? **A.** It was about 250.

Q. And could you tell us on Monday? **A.** No; but I can in two minutes; there was a good many; they have run very high this year.

Q. So that the high water mark has not yet been reached? **A.** I can not tell exactly; presumably not.

Q. As compared with last year? **A.** Yes.

Q. What was the highest record last year? **A.** About 4,000 during the whole year; probably as it is running now — this is an estimate — it will be 7,000 or 8,000 for the year.

Q. For this one court? **A.** Yes; of course.

Q. What was the highest point reached in any one day last week; do you remember? **A.** No; I can tell in two minutes; I can get the papers.

Q. We would be obliged; we would like to get the figures?

Chairman Lexow.— Suppose we take it after recess.

Mr. Goff.— After recess; well, if you please.

Chairman Lexow.— All witnesses under subpoena will attend here again at quarter after 2. The committee stands adjourned until that time.

AFTERNOON SESSION.

October 11, 1894.

Present.—The Senators as before, and also Senator Jacob A. Cantor.

Thomas Boese, recalled, and further examined by Mr. Goff:

The Witness.—Mr. Goff, may I correct about the naturalization of yesterday? I understood you for the last two days. It was two days instead of one day.

Q. That is, the 300 odd? A. Yes, sir; it was two days instead of one.

Q. Will you give us now from the records the number that were naturalized yesterday? A. I will give you — perhaps you would like to have it from the first of the month; perhaps you would like to have it?

Q. Yes; do, please? A. October 1st, 133; October 2d, 125; 3d, 70; 4th, 80; 5th, 110; 6th, 38; 8th, 124; 9th, 133; 10th, 170; that is yesterday; on inquiry, I find that they reported about 75 yesterday, and stopped before the line was ended, and that is why I made the error; I left early in the day; now, you wanted to know last year as compared to it.

Q. If you please? A. The first of last year was Sunday: October 2, 1893, 37; 3d, 39; 4th, 20; 5th, 22; 6th, 24; 8th, 14; 9th, 49; 10th, 76; September of this year — or July of this year, 291; August, 375; September, 574; the number naturalized from the 1st of July until yesterday, this year, 2,220; now, you may like to look at that (indicating book)?

Q. Not at all? A. This is the full record of 20 odd years.

Q. Your tabulation is perfectly satisfactory; General, you attend to this naturalization business yourself? A. Yes; I have it in my own office, instead of having it in a separate room; I am there every day.

Q. Do you catechise the applicant? A. Sometimes; not always; of course, that is impossible.

Q. About the matter of the fees; how is that arranged? A. Well, the majority pay for themselves, especially so this year; and the reason for that — may I go on and state?

Q. Certainly? A. There was a law passed by the Legislature last year prohibiting any person being employed in any public work whatsoever, whether State or municipal, unless he is

a citizen; and consequently these people who want to work come in pretty well to the front this year for that reason.

Q. In relation to the organizations who send checks or tickets with these applicants; do they pay the fees? **A.** The system has been for a long time for the parties, and I will explain hereafter, for them to send checks in advance, and the clerks of the two Courts of Common Pleas and this do not issue certificates unless the money is there to meet it; and the clerks of both parts consider it a wrong thing sometimes.

Q. And after you make out the papers, or cause them to be made out, the applicants pass on into chambers? **A.** Yes, sir.

Q. To appear before the court? **A.** Yes, sir.

Q. And your function ceases? **A.** To the extent of it going before the judge, of course; I might state, Mr. Goff, one thing about making out papers, if I may be pardoned by the Senators; to commence with, the law does not require any papers to be made out; originally, it was done by petition; lawyers usually presented them in my early career, 40 years ago, and a little over, in the Common Pleas; then the political parties made out papers, and Daniel P. Ingraham, the father of the present judge, insisted upon having some system by which the papers themselves should show what the party swore to instead of having it ordinarily in open court as a witness; and those papers contained what the statutes of the United States require—literally require; then along about 17 or 18 years ago, I suggested to the court that they would not allow any papers to be made out by any political organization, but would require them to be made out in the office so the court would have some control over the subject; and the papers then were made out by the clerks, and sent to the court, and came back; since then, they have made a great many improvements in regard to the papers themselves; for instance, the present system—I have the paper in my pocket, if you would like to see it—that the party who is sworn, must be sworn, as to where they were born, and when they were born, etc.; and there certainly has been a great change for the better in that regard; and the very form made in this office which I now have has been adopted by the United States Courts.

Q. Have any cases arisen in connection with the naturalization business in your court that required you to take measures against the perpetration of fraud? **A.** In what sense do you mean?

Q. In issuing fraudulent papers, for instance? **A.** No, we try not to issue a fraudulent paper, to commence with.

Q. Have you the matter so arranged, that fraudulent papers cannot be issued? **A.** I won't say altogether; but it is a pretty difficult matter for them to do so, because in the court, as I told you just now, there were over 70, as my assistants can tell, were rejected yesterday; the young man meant right, Mr. Brown of the Common Pleas, in regard to the action of the clerk's decision being final; if an appeal is made to me, and the papers are refused, I tell them to go to the court; I might say that the papers themselves, what is contained in them, do not bind the court at all, the papers do not; it must be done by the court; the judges, if they feel like it, go way beyond that.

Q. That does not limit the judge in his inquiries? **A.** Not at all.

Q. He may make such oral inquiries as he may think proper? **A.** Certainly; and you are perfectly aware that sometimes a person will say things before a clerk that they won't say before the judge.

Q. If I do not mistake, I think it was in the Superior Court a man was refused naturalization a few years ago because he was an Anarchist, and announced himself so? **A.** It was not exactly that; Herr Most came before me to declare his intentions; and the night before he had made a speech, I had forgotten exactly what he said, but substantially that he had no regard for the Constitution of the United States, and that if he became a citizen he would do all he could to destroy the system of government we had, and that came to my ears; you know very well I am a ministerial officer, and I told my clerks to be on the alert to see when he came; he did come, and he insisted on his rights; well, I put it on the narrow ground that I would not administer an oath to a man if I knew he was swearing falsely; and told him to go to the court, and he never went.

Q. I understood he went to the court? **A.** No, he did not.

Q. There were no further steps taken? **A.** Nothing further was done on that.

Q. And you took that ground, which is an absolutely correct ground, that even a clerk whose duties are partly ministerial, should not administer an oath while he believes the man deliberately intends to swear falsely? **A.** Undoubtedly I did.

Q. It is a tremendous mistake for a ministerial officer to take the ground that he must administer the oath even if he knows

the oath is to be taken falsely; we have done with General Boese; he has given us the figures of naturalization yesterday, and also the corresponding month of last year.

By Chairman Lexow:

Q. I know the strain upon you under these circumstances must have been very considerable; in your judgment, however, is sufficient time given to ascertain those facts that go to make up citizenship in an applicant for naturalization? A. No; I think one of the worst things about naturalization has been the system of political parties substantially announcing that they will pay for the naturalization of parties when they come; and they put it off until October, I am sorry to say that, for the saving of 50 cents; and the political parties, without reference to any party, about October, send out their agents to the slums of New York, to get the worst kind of men for citizens; of course, there are many excellent men naturalized in October; I think that is the curse of this city; not only this city, but the majority of them.

By. Mr. Goff:

Q. Don't you think, with your views as now expressed, that if you should refuse to accept these checks from the political organizations, as payment in advance of the fees, and compel each applicant to pay the fee required by law — would it operate as any check upon that abuse? A. I think it would, to a great extent; but the system, as I have stated before, of all political parties has been to deposit that amount of money; and I have quarreled with some of them about it; not only this year, but previous years, and told them, also, that they were a set of fools to pay 50 cents apiece for naturalizing the men who, if they, paid the 50 cents for it, they would have to pay them on the election.

By Chairman Lexow:

Q. You have noticed, haven't you, in the long line of applicants for naturalization here, that there seems to be a sort of military system there; they are under heads, and come in like so many sheep? A. Ordinarily, but—

Q. Has anything been done to prevent the marshalling of those candidates for citizenship by political leaders, and have you, as clerk, attempted to interfere with them? A. Oh, yes; and they know I have, too; but I tell you this year, as I say with a great deal of pleasure, too, that the class of men is better than we had previously, and we have no commander; we used to have the padrone; but this year, we are to a great extent, free of it; my own opinion of it, as stated very candidly, is that the majority of men who are naturalized this year come here distinct from politics; and it is a question of employment which controls them more than the few dollars that they get to vote.

By Senator Cantor:

Q. You mean the new State Act A. Yes, sir; and if you observe yourself, you can not but notice it is a better class of men; they are mostly young men; three-fourths of them are men who have come here under age, and they are certainly a great improvement on what we have had.

By Chairman Lexow:

Q. From what I notice of the men. I saw men apparently in charge of a dozen or even more, apparently marshalling them up along the line there, and bringing them to the place where they would be naturalized? A. I have no doubt.

Q. You have noticed that too; haven't you? A. I have no doubt you are correct, but they do not get inside.

Q. When you see a number of men, apparently under the leadership of some political district leader, do you put them through any other examination than the examination testified to by the clerk of the Court of Common Pleas? A. No; but I will tell you one thing about it, the district leaders are shrewd enough not to be there; they have their agents; you know all the parties have men stationed with tickets to look out, right outside the door.

Q. You never put to them such a question as this, do you, as to whether or not they have been paid money for the purpose of naturalization; do you put that question to them? A. No; I do not think I have a right to do that.

Q. You don't ask them whether they expect any pecuniary reward for doing that? A. No; we can not.

Q. You even go beyond the law in putting the questions you do put? A. Yes, it would be an insult to ask a man that question, sometimes.

By Senator Bradley:

Q. That system is done away with to a great extent? A. Yes; almost entirely; and it is fair to say, and we all know it, who are familiar with it, that there was a time when —

Q. Five or six men did all the witnessing? A. There was a time when not to naturalize a man caused the clerks a great deal of trouble; but I think now a great many of our citizens—I am speaking particularly now of naturalized citizens, who have been here some time—think there are enough foreigners here, because it interferes with them; I might almost say they are becoming Know Nothings.

J. Lawrence Carney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. How long have you been in New York? A. About five years this time; I was here about—before that I was here about 10 years ago; I was here three years when I was younger.

Q. During the five years that you have been in New York what business have you been engaged in? A. The last two years I have been engaged in transacting business for some policy men in this city.

Q. In what capacity? A. Almost every capacity; writer—

Q. Give us the designations of the various positions? A. Oh, well, I have done writing for them.

Q. Writing? A. Yes; I have been to court with some of the men to help bail people out, and all such things as that; some confidential work.

Q. Well, have you been what is called a backer? A. No, sir.

Q. You are not fortunate enough? A. No, sir; never got that high.

By Chairman Lexow:

Q. Never had the bank-roll? A. No, sir.

By Mr. Goff:

Q. Now, we have heard something about policy here, and yet I think it would be interesting to the committee to hear and to have placed upon the record how the policy business is conducted as between the writers or the backers of the game, and the persons who play policy? A. Well, you want a description of how the game is run?

Q. I do? A. Well, in the first place these drawings are supposed to be drawn in Covington and Frankfort.

Q. Two lotteries? A. Yes; it is legalized there; two lotteries, one in Covington and one in Frankfort; this is supposed to come by cipher, by the Western Union Telegraph Company; that is the cipher it comes in; that is supposed to be 26 numbers at night, and 24 in the morning; that is 13 words (indicating paper); I do not understand them, and they do not, and only one man knows them, E. J. Conlon, in Jersey City, is the man.

Q. What is his right name? A. That is not his right name; nobody knows; I do not know that he does himself.

Q. Is he a distinguished man in the society? A. He is the secret man; there are three other secret men; they sell these drawings to the backers in New York, and these three men control the business only; this Conlon does all of their private confidential work; probably they do not know his name.

Q. Do you know the names of those three men? A. No, sir; I do not; and nobody else, I guess, but themselves; none of these people go under their right name; one of the names I think he went by, I think is by the name of Hughes, one of them.

Q. Hughes? A. Hughes.

Q. Now, you say that two messages come over the Western Union wires every day? A. One at one o'clock in the afternoon and one at six in the evening.

Q. And each letter represents a certain number? A. They probably represent more than one; there are two lotteries, and each one of them contains 12 figures, and there is 13 words there; I cannot tell you what that meant, I can not decipher them, or anybody else, and even the backers can not do it, in New York city; this Conlon is the only one can do it.

Q. This telegram is dated Cincinnati, Ohio? A. Yes, sir.

Q. "To P. J. Conlon, Jersey City; Window Dear, Harvest, Lattice, Buggy, Signal, Emptiness, Welcome, Fortune, Legacy, Consent; Bank, Post?" A. No signature.

Q. No signature? A. No signature, never; Cincinnati is right opposite Covington, and across the river, and they are carried across and sent by telegram.

Q. Now, there are different words used upon each telegram? A. Every day the words are different; in case the drawings should be detained—now, say, there is a common running slip there; in case they shall draw the same numbers next week, those words would be different.

Q. They are, generally every day? A. Every day.

Q. You hand me what is called a running slip? A. Yes, sir; there are lots of them there; there are some plays in that too.

Q. What are those letters in those different columns? A. Those are the figures; those are the numbers that are drawn.

Q. Now, let us understand, when this telegraph message is received in Jersey City from Kentucky, then the cipher is transcribed, and the numbers given out by this Conlon, is that it?

A. Yes, sir; and sent over the telephone to all the main backers; that is, over the telephone to Jersey City, and they send it all over the telephone to the policy shops in the city; and the policy shop have prints and stamps, and they print it; that is not official; if you are hit you are not satisfied to pay off on that; there is an official print.

Q. This is an official print? A. That is what they pay off by.

Q. How are those official prints gotten up in a short time? A. They have a place they can do what they want to.

Q. A printing office? A. Yes, their own private printing offices.

Q. And these printed slips are the official ones? A. They are official to protect the writers, each one gets one of them, that is all.

Q. You said, Mr. Carney, that but one man, this Conlon, in Jersey City, that he has got the power, and the means of giving out the numbers for the successful or winning policies? A. Yes, sir; he has got full power.

Q. And all the drawings of policies in this city or in Brooklyn and the neighborhood are dependent upon the numbers that this one man gives out? A. Yes, sir; he has charge of all the surrounding country until you reach Albany; there is another man

in Albany; there is two of these cipher messages come, one to Conlon and one to this man in Albany; he has charge of Syracuse and Troy and all that part of the district.

Q. The man in Albany? A. Yes, sir.

Q. There must be considerable telephoning and telegraphic work? A. Each one of these backers have a long distance telephone in their office, in their private headquarters, a long distance telephone; they have their names in the telephone book, but there is also a fictitious name—a real estate office, may be, or something of that kind.

Q. Now, could you tell us how many of those backers are in the city of New York? A. I can name them off for you.

Q. Name them, if you can? A. Al Adams, Jake Shipsey—

Q. Why do you put Al Adams first? A. Al has the most number of sheets, and he is the biggest man, and has the most money, and has the biggest pile.

Q. He is called the king of the policy dealers, isn't he? A. Yes; and there is Jake Shipsey; he is another big man; Cornelius P. Parker, and Billy Meyers, and Ed. Hogan, and Charlie Lindauer, Dick Gammon; how many is that; (the stenographer states the number); Morton—Billy Morton, Murray—if I seen the names I could tell you.

Q. If they occur to you again, all right? A. Yes; all right.

Q. Now, can you state of these 14 or 15 policybackers in this city, if they have the city divided up into districts? A. Oh, yes; they, some of them, join together; now, they all work rather together, except Parker; he, as Parker says, he has to buck against the whole lot of them.

Q. You are acquainted with all of those men? A. Oh, yes; Parker, he has to buck against the whole lot of them; Al Adams, Billy Meyer, and Shipsey, and Morton, and all those fellows work together.

Q. On a sort of combine? A. Yes; Jake Shipsey takes all the "put-off play" that these backers are afraid to back; a gig, for \$1,000 for one of these backers, he may be afraid to take it, and he puts it on for Jake Shipsey; Shipsey takes most of the "put-off play;" that is, the big play; he has got plenty of money. Jake has.

Q. What class of people mostly indulge in this policy business? A. It differs; sometimes the prosperous people; down town, it is the poor class, the Jewish people, and up town, it

is the negroes, and go up town in Little Italy, they are Italians, and some places of business men; on the other side are lots of brokers around in places.

Q. What amounts are generally risked upon these plays?

A. That depends upon the people, you know; go down around Eldridge and Stanton streets, they play penny and two-cent gigs; you go up town and they play from 15 to 25-cents, and sometimes \$1, and you go to Little Italy, and they play all sorts; and you come down where the brokers play, they put down \$100 or \$50, and they play according to their means; just the same as any other men do in their gambling.

By Senator Bradley:

Q. They would go as low as two cents? A. Oh, a penny; come in and beg you to trust a penny.

Q. Are there not many women who play? A. Lots of them, and come in with children on their arms, and babies on their arms.

Q. Do children play? A. Lots of them; school children come in with books on their arms.

Q. Is there any attempt at concealment? A. Some places; there is places there where they call the safe ward, Captain Seibert's precinct, in Madison street; there used to be a place over a blacksmith's shop, and they used to go in from school after 12 o'clock with their mother's play with books on their arms and the copper used to watch at the door for us.

By Chairman Lexow:

Q. Who, a policeman? A. Yes; sure; with a big beard.

By Senator Bradley:

Q. So that the children would not get hurt? A. So that we would not get hurt, I guess.

By Chairman Lexow:

Q. They were not protecting the children, were they? A. No, sir, we do not think so.

By Mr. Goff:

Q. You have written in a good many shops in this city? A. Lots of them, all over this city.

Q. So you are thoroughly familiar with the game and all its workings.

Q. Now, I ask you about whether or no these backers divided up certain portions of the city, and you have not answered my question yet upon that point, as I would like you to? A. Well, to a certain extent; now, Gammon, he has mostly down about South and Broad streets; they come up a little further; and Lindauer has a new place; he is a small fry backer; you come up, and Billy Meyers is a backer on the east side, around the Hebrew district, and up about as far as Sixth street; and you get up above that, then Morton and Murray have a good many places, and Hogan; and up above Fourteenth street Parker's places up to Harlem, Ninety-eighth street and One Hundredth street, and along around there.

Q. That is the east side? A. Yes; Al Adams has from Fourteenth street up on the west side mostly; nobody else can go in there, it is impossible; and down below that Hogan, and Murray and Meyers, and all the rest of them have them on the west side.

By Mr. Goff:

Q. By what means do those backers divide up the city between them; for instance, Al Adams has the territory from Fourteenth street to Harlem river; how can he have that territory for himself? A. I don't know; if you wanted to do the same thing, I suppose, and went over there and fixed the captain not to let any other place run, he would not let anyone else there.

Q. Is that the means by which these backers obtain exclusive business in a certain district? A. So far as I or anybody else is concerned, it is.

Q. You know the business thoroughly from top to bottom? A. Yes, sir.

By Chairman Lexow:

Q. When you said, as you did a moment ago, did you state an inference that you would draw from your observation, or did you state a fact within your knowledge? A. No observation.

Q. You stated a fact within your knowledge? A. Yes; I can give you an instance.

By Mr. Goff:

Q. Let us have an instance? A. Billy Meyers' man was going to open a place for him in Twenty-ninth street; he says, "Carney, we will have to go and see the captain;" I said there is a place across the street, but he is doing no business; I think we can run him out; "We will have to see the captain;" the captain said we could not open there; he said, it was too near; "You must not take the living out of that man's mouth;" that is the Twenty-first precinct, Captain Martens; and he said he seen Captain Martens, and he said he could not open there, it was too close to the other place, and could not open in that precinct; he wanted me to open in Seventeenth street, Meyers wanted me to; he wanted me to open the place in Seventeenth street; and I don't remember the captain over there now, what precinct it is in; anyhow it was between Seventh and Eight avenue; a friend of mine opened the house there and wanted to rent me a floor in it to open, and I told these people and they said, "Well, we will see the captain," and he seen the captain; he said, I could open whenever I got ready; I said, "How is that, Dick;" that is the head man's name; "that you can open there at all;" I said, "I thought Al Adams had that;" "Al Adams and I are good friends;" he said, "And we went down and he saw the captain for me."

Q. Do you know Al Adams? A. Not personally.

Q. In these two conversations you have given, did you personally have any conversation with any of the captains? A. No, sir; we would not be allowed to do that.

Q. The backer is the only one to do that? A. The backer or his head men, or his manager.

Q. Did you in any of these cases see the backer go to the precinct station-house? A. I went over to the west side one night with the backer to see this captain; whether he went over I don't know; I left him at the place I was going to open; he said he would go around and see the captain; I did not see him any more that night; I could not swear he went into the station-house.

Q. Do you know from your knowledge of the business whether or no these backers paid money to the police? A. Why, certainly; they can not help themselves.

Q. They can not help themselves? A. They could not open if they did not; they would not be open 12 hours in a ward without having the coppers on them if they did not pay them.

Q. Do you know of any cases where the policy shops were open where they refused to pay, or had forgotten to pay? A. Oh, no; they know better.

Q. Is it a recognized system and rule among the policy dealers in this city to go to the police and arrange for the paying of the police before it can be opened? A. Certainly.

Q. Is there a specific sum agreed upon for each place? A. Well, I suppose some districts, they may pay more; now up in the Twenty-first precinct, Captain Marten's precinct, there is a middle-man there named Richard Dore, and when this Parkhurst crusade was around last winter, if you remember, which they closed up so many places, or in the spring or winter, the captain told him to close; he could not open; and he refused to pay his money — that month's money; and so they bothered him; I was working for him at that time, and they bothered him very much, and chased him around, and chase you out on the street, and out of the place; and consequently, he says to me one day or he says, in my presence to a friend in there, I heard him — he says, there is no wonder they are bothering me; they are bothering me to the devil; I haven't paid my \$35 this month, and I do not propose to until I open; he says, I am \$70 in on this month, and he owned two places, and they wouldn't let him open.

Q. Now, is there any arrangement entered into between the backers and the policy writers, as to their proportionate share of this payment to the police? A. No, sir.

Q. How is that arranged? A. All the backers pay everything; the backers pay everything.

Q. Well, it depends on how you are writing your book; if you are writing your book on interest and commission, you get 12 1-2 per cent. commission of the gross proceeds, and 25 per cent. of the earnings at the end of the month; if you are simply writing on commission, you only get 12 1-2 per cent.; but if you are writing on commission and earnings, 25 per cent. at the end of the month, the money that is paid out for all expenses is deducted, then you get your 25 per cent. of the earnings that is left.

Q. I notice here upon this printed slip — this is what they call the official slip? A. Yes, sir.

Q. "Beware of counterfeits" ? A. Yes, sir.

Q. Is there a reason why that should be done? A. Oh, yes.

Q. What is the reason? A. Many a thousand dollars have been beat out of it.

Q. Of the backers? A. Oh, yes; somebody would bring in a copy of that — the runners do — stand in with the gang, and fix it up, and paint it up, and send it in a slip of a play on the book, and get their money; and when that is in, and they get the money, you can not sue on it, because it is not legal, and they dare not say a word.

Q. Take a policy shop in Harlem, what would be the average of your daily receipts? A. Well, now, not much; in good times, up to within a year, since these hard times and depressions came — before that a good book would run from \$60 to \$100 a day; some of them \$150.

Q. In these poor districts? A. They are best districts; the very best.

Q. Better than the districts occupied by the well-to-do people? A. Yes; they do not play such big amounts, but the quantity more than covers that.

Q. The districts occupied by the poorer class of people are the best districts? A. Yes, and have the most policy shops.

Q. Well, I asked you about whether the policy writer had any arrangement with the backer as to his proportionate share of the payment of the police? A. I think I answered that, but I will tell you again.

Q. I did not get it? A. It depends on the kind of book you are writing; if I have an interest in the book, I get 12 1-2 per cent.; that is the commission, and at the end of the month 25 per cent. by earnings, and if the book was a loser, I get no per cent. of the earnings; in case I was writing that kind of book at the end of the month, all expenses are taken out — rent, coal, gas, protection; everything is taken out and what is left we get 25 per cent. of that for your earnings; if there is nothing left, if the book is loser without the expenses, the backer pays it; you do not have to pay it; you are not supposed to pay it.

By Senator Cantor:

Q. You get 12 1-2 per cent. of the receipts? A. Yes; as commission; if you have an interest book that is supposed to pay your writer 12 1-2, and a 12 1-2 per cent. for every month is

supposed to be your earnings; in some places in the city, they have writers simply on salary.

By Mr. Goff:

Q. Where they have a writer on salary, he does not pay any proportion for protection? A. He gets nothing but his salary.

By Chairman Lexow:

Q. When you pay protection; what do you mean by that? A. They deduct that with expenses, coal, fuel, gas, and everything.

Q. Do they give you an account of it? A. Oh, no; just simply say so much out for expenses, leaving so much, and your percentage is so much.

Q. How do you know they have deducted any special amount for protection? A. How do I know they do?

Q. Yes? A. They know that the rent, and coal and light don't come to such amounts.

Q. Does the backer, or whoever represented him, tell you how much he deducted from your particular share for protection? A. He did not say how much he deducted, but, of course, it was understood, and it was told us so much had to be taken out for protection, and fixing things with the captain and wardman and police, etc.

Q. Was any specific amount mentioned? A. No.

Q. Then you took as the total expense, whatever figures they gave you? A. That is it.

Q. And was satisfied with the balance? A. Yes; we had to do it; of course, we turned all the money into them every day, and if at the end of the month you did not trust to them to give you the money you would not get it; that was all.

Q. Now, in the arrangement of the business throughout the city, can you state if the police have knowledge of all the policy shops in the city? A. Why, they can not help having; if a place — there are policy shops in New York city, have been running 25 years, simply four or five cigar boxes in the window, and they have been there 25 years, and the police play themselves; there is a policeman over here owes me \$17.25.

Q. How did he come to owe you? A. I had to trust him.

Q. For his pay? A. Yes.

By Senator Bradley:

Q. Is he still on the force? A. I suppose so.

Q. Give me his bill, and I will collect it? A. I will give you half.

By Mr. Goff:

Q. You say the police play themselves? A. Yes, sir.

Q. To any extent? A. Some policemen are good players, and some very good players, but they are not always good pay.

Q. Then many of them play on credit; is that it? A. Well, we don't call it credit, we have to call it "give;" I don't know what you would call it; a man comes in and says, "Give it to me," what are you going to do; if you don't give it to him, what are you going to do; you are gone up, ain't you; you can't refuse him.

By Senator Bradley:

Q. You say the police as a general thing are good players? A. Yes, as a general thing.

Q. Most of the gigs they play, aren't they taken from dreams? A. Yes; they have regular books, and interpret all the dreams.

Q. Would you suppose the policeman dreams while on his post? A. He might do it.

Mr. Goff.— We have testimony, Senators, in the early part of your sessions, before the summer recess, where a man swore to a policeman playing five times with him, and not paying him any money, and he refused to let him play the sixth time, his place was demolished, and he himself arrested.

By Senator Cantor:

Q. What is the special skill required to play the game? A. You have got to know if you want to play; anybody can play; just put three numbers, and if the numbers come out you get \$10, and if not, you don't get anything; I mean a man that pays good money, big money, is a good player; I mean a man that comes and says two cents, or a penny for a gig is not.

Q. The good play consists of the amount of money he puts on? A. Yes.

By Senator Bradley:

Q. And the frequency of the play? A. Yes, and how often.

By Mr. Goff:

Q. How are the various plays characterized? A. The first is a "saddle," that is two numbers.

Q. A saddle? A. Yes.

Q. That is composed of two numbers? A. Two numbers, that pays \$1 for six cents; now, suppose you played 7 and 20 in a saddle.

Q. Who selects the numbers; it is entirely at the option of the player? A. The numbers run from 1 to 78; there are 78 numbers put in the wheel; you can select any number from 1 to 78 on two numbers, and if those two numbers come out, in those 12, and you put six cents on it, you get a dollar; if you play three numbers—if you played, 7, 13, 20, that is the police gig.

Q. Why is it called the police gig? A. Well, I don't know; there is lots of them.

Q. Lots of police gigs? A. Yes; there is half a dozen police gigs; they play them in different parts of the city, different gigs.

Q. Is it because they are generally played by a policeman? A. Whenever there is anything happens to a policeman everybody plays a police gig—any policeman is discharged or drunk, somebody goes in and plays a police gig.

Q. You mean to say if a policeman ran up against the Broadway cable car and got the worst of the collision, you mean to say the people would run in and play the police gig? A. They would take the police gig, take the number of the car and run the combination.

Q. Well, does the play of policy, the selecting of numbers, largely depends upon such accidental circumstances as the one I have mentioned? A. Yes; I will tell you, Mr. Goff, there is dream books, "Common Sally," and the "Three Witches," and "Wheel of Fortune;" now, those books have every word in the dictionary, I guess, and they will have the lucky number opposite; if a fellow dreams he has seen a horse, if he is riding horseback, he will pick up the book and if he finds it 49 first, he will take out that.

By Senator Cantor:

Q. That is a saddle; now, a gig is a combination of three numbers; how does that pay? A. A hundred to one if you play it in both lotteries; that is, if it comes out on either side it pays, and that gives you \$1 for a cent.

Q. If it don't come out? A. You gets nothing for your money.

Q. Does it ever come out? A. Yes; they win.

By Senator Pound:

Q. Is this the order here (indicating slip); "46-44-75" of the winners? A. Yes sir; those are 12 numbers that win; the top letter that you have got there is called the State, and the bottom is called the Kentucky; if you play 46-44-75, you get \$2 for a cent.

Q. If you have any of these three numbers you win? A. If you have three of any of those numbers.

Q. No matter what way they are on that slip? A. No matter what way they are there.

By Mr. Goff:

Q. Are there any other combinations or designations? A. Yes, sir; four numbers you make four gigs, and it costs you four cents to play those four numbers for \$1; if you put four cents on that you make a \$1 gig; three numbers — one gig; the same as the combination of a safe; if the whole numbers come out you get four gigs, and that makes \$4; you can turn the four numbers around and around and make combinations of three numbers each; five numbers make 10 gigs, and you put 10 cents on that for a \$1 gig; or you can put as much on that as you want; if three numbers come out there is a \$2 gig; if four numbers come out that is four gigs, and that is \$8; and if the whole five come out that is 10 gigs, and that is \$20; and so on up, and five numbers make \$30; 12 numbers make 220 gigs.

Q. So it requires some technical knowledge on the part of the writer to be able to look out for his place? A. Yes, you have got to be very careful; and if you make a mistake, if you are hit and it is not on the book the backer won't pay it, and you have to pay it if it is not down on the book.

Q. The moneys you receive, do you pay the winnings out of the money, or do you send the moneys to headquarters? A. Well, you pay if you win, and I have a runner; if I am a man who has a runner and make a book up town, I have a man take the book; if my receipts of this morning are \$60, of course, naturally I would keep that money until the winning numbers came in, and

if I was hit I would pay it; if I was hit \$40 I would pay that out; and I would send that money down, less the commissions.

Q. What is the general custom? A. Well, the general custom is after your book runs a few days you usually can send the money down by the runner every morning; the runner comes up to get your book to be sent down to headquarters because you have got so much money there; and if there are a good many people, you may have an "over-hit."

Q. In case of any accidental number coming out in connection with any public happening or circumstance, that is seized upon by many players? A. Oh, yes; when the first run of the cars came on I had that number of the first car on the book and nothing else; I had the car that night on my book; everybody played that first.

By Senator Bradley:

Q. They all won, didn't they? A. It didn't go.

By Mr. Goff:

Q. For instance, the other day, we had an officer here whose name we did not know, but we simply called him out as No. 35, on his broken club that we had; would such a number as that be used? A. Oh, yes; if I had been playing policy then I should have played 35 first.

Q. That would have been a good omen? A. A good one.

Q. Have you ever been interfered with or arrested in New York by policemen? A. No, sir.

Q. Do you know of any policy players who have in New York? A. Lots of them—not players, no, not players.

Q. The writers? A. Yes; the writers; they never arrest the players.

Q. Why is it the writers were arrested if protection had been paid in the manner you have described? A. It is very seldom they are arrested by the wardman or the policeman, hardly ever; it is like this: Now if there is anything like the Parkhurst crusade, or anything like that coming around, or the newspapers having a big shout, the wardman will say look out for the newspaper men and Central men; if those Central men are sent out to get you they will get you if you are doing business.

Q. And the wardmen notify you? A. Yes; they come right to you, and if news is coming to the captain, to see how you are taking care of your business, he will put an officer we do not know, in civilian's clothes, and send him around, and say if that officer can get him on that line a Parkhurst man can, and a newspaper man can, and if that man can get in anybody can.

Q. He sends him around to test you? A. If he can get in on you he will arrest you.

Q. I see that number 35 has been made use of? A. Haven't you a policy slip?

Q. Of yesterday? A. Well, well.

Q. Look there and see if 35 has not been made use of and hasn't come out? A. "Second;" that stands for the second piece of the club.

Q. Is that what that stands for; which lottery is that in? A. That is in Kentucky.

Q. In the Kentucky? A. Yes, sir; that is the evening slip.

Q. Of yesterday? A. Yes, sir; 10th.

Q. When we had that officer on the stand? Day before yesterday.

Mr. Moss.—Yes; day before yesterday.

The Witness.—I should follow it up for four drawings; that would be the fourth drawing.

By Senator Bradley:

Q. Talking about numbers; about the month of February, did you have any run on number seven at all? A. Seven ran pretty steady sometime last spring.

Q. About the time the Lexow committee was appointed, wasn't it? A. We ran pretty steady then.

Q. Didn't you have a gig called the Lexow gig, or the Lexow number—number seven? A. No; I don't remember the Lexow gig; we had McKane's gig, though.

By Mr. Goff:

Q. What was the number of McKane's gig? A. It was his age, and his cell, and the tier; I think it was 9-18, something, if I am not mistaken; it was his age, and the tier, and his cell; that was the gig.

By Chairman Lexow:

Q. Have you had a pantata gig yet? A. This is a police gig; we have lots of them.

By Mr. Goff:

Q. Do you remember if that McKane gig was successful? A. It came out a few days after he was locked up.

Q. Pay pretty well? A. Lots of people had it up town; I don't know about down town; the papers had the numbers of his cell, and age, right close together, and everybody took that for the gig, and it was called the McKane gig.

Q. Was there any other gigs of famous origin that occur to you now? A. Well, there is lots of fancy gigs; there is a Reilly gig; that is a famous gig.

Q. What is the origin of that gig? A. That goes several years back; at this time the backers used to take sealed plays; you could put your numbers on a piece of paper and put in the amount of money you wanted in that envelope, and seal it up, and they would not open it; and after your slip came in, you could open and look in their presence; if your numbers won, they would pay you; but they got hit so heavy that they discontinued it; this man Reilly was the saloon-keeper in Brooklyn; it was 16-20-28, and Reilly played it for \$16,000, and his wife for \$10,000, and after the drawings came in both came in with a slip, and one thought the other did not have it, and vice versa, and come to find out one was for \$10,000 and the other \$15,000; since that, it has been called the Reilly gig, and since that they have refused to take any more sealed play.

Q. Did they get the money? A. Oh, yes.

By Senator Bradley:

Q. So much for Brooklyn? A. So much for Brooklyn.

By Mr. Goff:

Q. Now, speaking about the Parkhurst raid, as you have described them, and also of the Lexow committee, has either of those institutions affected the policy business in this city? A. Oh, yes; yes, sir.

Q. What have they done; increased it? A. No, sir; between the two, and the newspapers, they have drove about, I should suppose they have decreased the number of policy shops in

the city about 50 per cent., every bit of it; they have decreased it for the time being, but as soon as it is over, up they will spring again.

Q. So the policy business flourished uninterrupted, and undisturbed, by the police of this city? A. Except for an occasional rest, or little flurry; if somebody makes a complaint, why, of course, they have got to go and look about it, and probably may make an arrest.

Q. How about that system they have of having someone in the place to be arrested, who don't write it up? A. They did that sometimes, and discharged them; it is not necessary in most of the courts to arrest him; you may arrest a man and take all the testimony you want, and he is discharged.

Q. Discharged by the police magistrate? A. Yes, sir; it don't matter how much evidence you have got, there is hundreds of cases dismissed, and won't allow you to show the evidence.

Q. How is it; do the backers or policy writers have an understanding that they will not be held in a police court in case of arrest? A. If you are held, that is the last of it; if you are held in bail, you never hear of it again.

Q. You say they are very infrequently held in bail? A. Very infrequently.

Q. Is there an understanding among the policy writers that they are pretty well looked after in the police court? A. It is understood that the policy writers—that the backers will bear all expenses, and will do all they can to keep them out of trouble; the only time I knew of anybody being fined was when Mr. Comstock done some raiding; one got two months; the understanding was he was to plead guilty and he plead not guilty, and Recorder Smyth railroaded him.

Q. For his own fault? A. It was his own fault; he has got a place up here now; he runs an envelope game up in Twenty-third street.

Q. The same fellow? A. The same fellow; a man about your age, I should judge.

Q. Do you know his name? A. Yes, sir; Michael Ryan.

Q. That is not the green goods man, is it; Michael Ryan, the green goods man? A. I don't know as he ever done any green goods business; he has a regular policy game, and an envelope game at night, at least he did until the newspapers and the Parkhurst people; and he also had a sweat board in there, and the captain made him take it out, and I think he made

him discontinue the envelope game; I have not seen him within some time.

Q. What captain? A. Captain Gallagher, I think, just off Third avenue, on Twenty-third street; there used to be a pool-room in there; I think it is No. 154, if I am not mistaken; go through a long hall, and when you get there, there is a door, and knocks three times, and the man looks through a wicket in the door, and if you are all right, the door is opened and go to another door, and you are allowed to go in.

Q. Those three knocks are an open sesame? A. Yes; you can not always tell about that; they have a man at the door all the time.

Q. Speaking about the effects of the newspaper publications upon the policy business, have you noticed lists, for instance, of the policy shops published in the newspapers? A. Yes, sir.

Q. From your knowledge of the policy shops in this city, were those lists accurate? A. No, sir.

Q. Have the policy writers anything to do, or the policy anything to do about those lists or the publication of them? A. I should say the police had; I should say the reporters got all the information from the police; if they knew how reliable that is, as I do, about policy business, they would shake the police altogether.

Q. What is the purport of having inaccurate reports given of the location of certain policy shops? A. They give it to the reporters to go there to find out, and they go there and do not find out anything.

Q. Where certain houses have been published in the newspapers, and have policy shops that are doing business? A. Well, that is—that is rumor that these places are doing business; that is rumored by the police; that is started for the benefit of the reporters.

Q. By the police? A. Yes; by the police; and the reporter may go to the captain and may say so; I don't think the captain ever told the reporters a policy shop in his district; he might have told them it was rumored so; I don't believe he ever told them there was such a place doing business.

Q. Alleged policy shops? A. Yes.

Q. You have heard that word "alleged," before? A. Oh, lots of times.

Q. With regard to the payment of money to the police officers, have you ever had personal knowledge or an experience

in payments being made? A. Well, I never paid any in this city; no.

Q. Did you ever see any paid? A. No; I never seen any money given to them.

Q. Well, how is the business now; during the sitting of this Senate investigating committee? A. Very bad.

Q. Is it stop-ped? A. Very bad; they are chased out now; what I mean by that, if they are doing business on the sly, and they are locked up, and blinds pulled down, and if you don't know how to get in, you can not play; there are 300 or 400 books in the city had to close up because they can not make expenses; those that make enough money to live, they are doing business.

Q. Do you say that from personal knowledge? A. I certainly do.

Q. And personal examination? A. I certainly do; the Senator has the list there that are doing business.

Q. Have you made the examination? A. Every one of the places on that list; there is about 600 of them there.

Q. Now, this list that you have prepared; look at it; can you swear to the correctness of that list? A. Well, I swear that every one of them was doing business when I got that list, up till about two days ago.

Q. Up to two days ago? A. From the 6th of last month, all of them; some of them I did not — some I only visited the last few days; and some of them a couple of weeks ago.

Q. Within that period of time? A. Within that period of time there was business being done in them; it won't be done to-morrow after this is out, you know; they will all be closed up to-morrow after they see the papers; you could not get a play in them for love or money to-morrow.

Q. You made this examination under my direction, didn't you? A. I did, sir.

Q. And you made the examination by police precincts? A. I did sir.

Q. Now, I find here the first precinct that you have returned is the Fourth precinct, under Captain Slevin? A. The First precinct is there, Mr. Goff; the First, ex-Captain Devery, wasn't it?

Q. Oh, yes, the First precinct, Captain Devery; have you computed the number of places? A. There is very near 600.

Q. No, in the First precinct? A. In the First precinct, I think, there is about 20; there is now; there were more than that, but there is some of them closed; there was about 40 there, but they closed half of them.

Q. Seventeen places returned in the First precinct? A. Yes; 17 places.

Q. You have got the names of the backers of each policy place? A. Very nearly all of them.

Q. I find the names here of the backers in the First precinct are Gammon, Murray, De Witt, Shipsey, Brown, Parker, were the names of the backers? A. Yes, sir; that man Brown, he has had the place in Maiden lane, I guess, 20 years.

Q. That is 102 Maiden lane? A. Yes; that is it; over a glazing shop; there is a glass door there, and glazing store, and it is one flight up.

Q. I find you have located them at 57 Pearl street, 73 Nassau street, 22 Stone street, 100 Broad street, 105 Broad street, 132 Broad street, 37 Front street, 127 Pearl street, 68 South street, 44 Gold street, 102 Maiden lane, 74 Maiden lane, 127 Cedar street, 26 Stone street, 138 Stone street, 88 South street and 167 Maiden lane; now I find in the Second precinct here, in Captain O'Connor's precinct, that you have returned—? A. Captain O'Connor's precinct; there has been lots of them closed since the Lexow committee commenced to sit the last time.

Q. Eighteen places in Captain O'Connor's precinct? A. That is about right.

Q. And the backers there are given as Adams and Shipsey; they are the two principal backers in that precinct? A. Yes, sir.

Q. I find in the Fourth precinct, Captain Slevin, there are 23? A. That is a good neighborhood; Slevin is a very good man for the policy business.

Q. He is a good man for the policy business? A. Yes; one of the best.

Q. One of the best captains? A. Yes, sir.

By Chairman Lexow:

Q. When you make those statements, you mean that in that particular branch of industry that captain is considered by common rumor to be one of the best? A. Not Slevin; I do not; I will tell you after awhile some circumstances that makes me know the best from him.

By Mr. Goff:

Q. We would like to have any personal knowledge you have rather than statements of general rumor? A. Do you remember reading in the paper a couple of months ago, and in the Evening World, when Captain Slevin said—he made the report to one of the police commissioners—that somebody had sent him a letter, signed “Mother,” complaining that there was a policy shop at 102, 107 and 200 South street, and 203 Front street; in answer to the commissioners, he sent his officers there in citizens’ clothes, and visited there himself, and he found no policy shops running; and he said right, but all the time I was running, and I ran after his man visited, and he made that report to the police commissioners, and it was published in the Evening World.

Q. It was right? A. It is right; his men visited, and he visited, and visited me; all he said to me, “Go in a story higher, Carney, or go in a small, dark room.”

Q. Who said that? A. Why, wardman, one of them; Wardman Townsner, and Slevin came around, and I was gone to dinner, and he told the wardman to tell Carney to go up a story higher.

Q. And hence it is you can say Slevin is one of the best men for the policy business? A. I will tell you another thing; he came around one day; I was a little tired, chasing around the Long Island Hotel, 203 Front street.

Q. Chasing around for what? A. From room to room, you know, through the hotel, writing; I had to jump around and carry my little table around into each room; so one day I took two men up in a room, an upper one; I was sitting there, and I locked the door tight up; I did not think about the transom being unlocked, so I sitting there writing, and there was a big electric wire, a thick one, hanging down from the side of the building, and someone came to the door, and knocked hard; it did not sound like a right kind of knock to me; I did not give any answer; I said, “If you want to get in here, go downstairs and see the doorman, and if you are all right he will let you in;” and pretty soon I saw the transom opening, and Wardman Callahan was looking in, and I writing; and when I see the transom, I grabbed the electric-light wire and started down, to get out; he says, “Hold on Carney; that is all right; I want to see you;” I said, “It is you, is it;”

he said, "Don't I tell you the old man says to get out of here; how are you obeying me; what are you doing; do you want to have me broke; do you want to have the old man broke;" he would have arrested me if he could, but the captain would not allow him to arrest me; Callahan would have pulled me all right, but that was his orders to see how I was doing; at this point, that was the only two I had taken in the hotel; the man downstairs had taken the play from the people and brought it up to me; this day it happened; he said, "I would not have known where you was, only when I was coming along these two men were talking in the room;" and Callahan says, "Now, I want you to get out of the building, and take your play on the street, and go upstairs in the garret, on the roof, and write your play when it is time;" I said, "All right, Callahan, I will do it;" he went out and I went downstairs every day and collected my pay, and took my table up in the room in the top of the hotel, and wrote it out and sent it to the office; and I have reason to understand that Callahan and Slevin are pretty good men to me.

Q. Now, I see in the Fifth precinct, the one that Captain Dougherty commanded —

By Chairman Lexow:

Q. I would like to understand this a little better, Mr. Goff; how is it if you were paying protection, and had a large amount of money paid for protection each month, how was it you permitted these wardmen to chase you from one room to another, and one house to another? A. Of course you know the captain has got to protect himself, and when a complaint goes into Superintendent Byrnes and the police commissioners it has certainly got to be investigated; and if the report goes to the police commissioner personally he has certainly got to make a report to him.

Q. Did you say to Callahan, "Now I am paying out of my little income, I am paying a certain amount monthly to you people for protection; why don't you protect me, why do you disturb me?" A. That is what he was doing; he came to warn me to go into the top of the building so the Central men would not get me.

Q. Callahan warned you to go from one room into another to protect you from a raid from the Central office? A. Yes, sir; Byrnes would send his men on account of these complaints.

Q. They were afraid you would be raided from the Central office on account of no word being sent to the police station?

A. Yes, sir; they said if they come around and catch you we are in trouble.

By Mr. Goff:

Q. I find you report here 12 places in operation in the Fifth precinct, lately commanded by Captain Doherty? A. Yes, sir.

Q. And the principal backers there that you give are Adams, Shipsey and Morton? A. Yes, sir.

Q. I find in the Sixth precinct, commanded by Captain Berghold?

By Chairman Lexow:

Q. One moment; we had some testimony here yesterday showing that when a letter calling the superintendent of police's attention to the presence or existence of some of the games in a certain precinct had been received by the superintendent of police, that it apparently then had found its way to the station-house in the precinct in which the lotteries were situated? A. Yes, sir.

Q. Did any such occurrence ever happen while you were in the business? A. Oh, if there is a complaint sent in about them shops to Superintendent Byrnes of course the captain would send around his wardman and tell you to lay low. When these complaints, signed "Mother," of those three places came, Captain Slevin published them in the World — his answer to it to the police commissioner; it was in the Evening World, and you can find it there in looking over the index, a small item in the Evening World; these complaints have been sent to the police commissioners, and they referred it to Captain Slevin, I suppose, or he would not have known anything about it; of course he knew we were there, and were doing business, but he would not have come around and said, "Lay low, and look out for Central people."

Q. Were you ever directly warned, from your personal knowledge, by Callahan, or any other wardman in that district, that you might expect a raid from the Central office through Inspector Byrnes? A. I was directly warned to look out for Inspector Byrnes' men from the Central office.

Q. Just state the conversation, as far as you can? A. Callahan came around, and said, "Carney, you have got to get out

of here;" I said, "Why;" "Well, there has been a complaint sent in;" I said, "How is this," "Somebody complained about you, Jose, and Dix, 103 and 107 South street; somebody complained and signed "Mother," and the old man sent me to tell you to go up into the top of the building or get out for a few days;" I said, "All right, Callahan, I will do it;" he said, "Don't fail, for the Central men will be around here;" and they were, a big fellow with a light moustache, and a small slim man.

Q. Was that the letter you referred to before signed "Mother?" A. Yes, sir; I think it had been sent to the police commissioners; and this big fellow with the light moustache, he was all right; he was straight to us people; he would not pinch me; for every time he came up, and he would come up and say "Sneak" when the tall, slim fellow was coming up; but the tall, slim fellow would come up and look all around; I suppose it was fixed up for one to come up, and then make a big bluff; and go to the house and search for me; the big fellow would come up and say, "Sneak," and the other man loiter behind.

Q. He was connected with the Central office? A. He said so; Callahan said so; "I know those fellows; look out for them," those are his very words; this Towsner was a special officer, and they sent a man down from headquarters to write for me, a man named Joe; I gave my warning, but Towsner comes up and gets Joe, and walks in; he didn't arrest me; but he was in there, and Joe talked with him, and I guess he done something else; I guess he gave him some money; I don't know.

By Senator Cantor:

Q. You were not present? A. No, sir; anyway, Towsner did not arrest him, but said, "We will call it square this time, but after this time keep your door locked," and pulled out his shield and chucked it on the desk; he is a special officer, and not a wardman; he goes around in civilian's clothes; and says, "Now, my boy, I have got you;" and Joe talked to him a little while and from what he told me the next day he paid him something; but I don't know what.

By Mr. Goff:

Q. Never mind about that; now, you have made, you say, a careful examination of all these places in the city of New York? A. Yes, sir.

Q. You have made a return here of the policy shops in every precinct in this city? A. There is one or two precincts away up town; I did not have time to go there.

Q. That is across the river? A. Yes; Captain Ryan's is one.

Q. Kingsbridge? A. Yes, sir; I did not go out there; every precinct south of Harlem river and up around Morrisania, and Mott Haven, etc.

Q. But, with the exception of that Kingsbridge precinct, covering Riverdale and up there? A. Yes; I did not go there.

Q. Will you swear there are policy shops running and have been running during the month of September in every precinct in the city of New York? A. I do, sir.

Q. I see here running on the average — running some places from 6 and 7 to 30 and 40? A. Yes, sir; I have a list of about 350 that I would not put in that list, because I would not swear they were not running; I knew there were policy shops there one time, but I could not say they are now.

Q. The list you give us here is a list you can swear represents the policy shops that are actually running? A. They were running when I got that list.

Q. And amounts to about 600? A. Yes, sir.

Q. Six hundred policy shops running to-day in the city of New York; and do you say, from your knowledge of the policy business, would it be possible for those policy shops to run and be in operation without the knowledge of the police? A. No, sir; it would not; of course not; they could not; it would be impossible.

By Senator Bradley:

Q. How long do you suppose a policy shop could run in the precinct without the detective or captain knowing it?

A. He would not run 12 hours.

By Chairman Lexow:

Q. As I understand you, you say nobody dares to open a policy shop, unless he has ascertained beforehand that he is going to be protected by the police? A. I never knew any one to open one unless he saw the captain first; I never heard of them trying to open one without getting his protection of the police.

By Senator Pound:

Q. What is your present occupation? A. Nothing now.

Q. When did you go out of the policy business? A. A couple of months ago.

Q. Why? A. On account of my wife and family; they wanted me to give up the business, that is all.

By Mr. Goff:

Q. Do you remember one day when there was an arrest made in your place you received a message that you had better go to the court, and a runner from the court approached you? A. Oh, yes; yes, a fellow by the name of Jim O'Toole.

Q. Who is Jim O'Toole? A. He does the court and confidential business of William Marr's manager, that is, Richard Phalen; he goes by the name of William Bedell, but his proper name is Richard Phalen; I was talking to Mr. Bedell at the time that Jim O'Toole came in, and I think he had been to the Jefferson Market or Essex Market Court, I am not sure; somebody had just been arrested, and this is the words he used to Mr. Phalen; he says, "Ryan says, send over another hundred dollar bill," and Phalen says, I wonder where in hell he thinks we get them, on the docks," and Jimmy says, "I don't know, but Ryan says, we are not doing right and Parker is doing the square thing, and if we don't do it, he is going to turn it down;" I don't know what Ryan it was; he said, "We opened a couple of bottles, and he told me this;" he says, "You musn't return any more money to this clerk;" this Ryan says to him, "Don't pay this clerk any more money; if you have got any more money to pay, pay it to me."

Q. What is the name of the speaker? A. James O'Toole.

By Senator Bradley:

Q. What position does he hold? A. Confidential man, and he does all the court work for this man Meyers, for this backer.

Q. For the different police courts? A. All through the city; O'Toole was a rather, short, stout man with light moustache.

Mr. Goff.—We offer this last sworn to in evidence; he swears to it to-day; it has not been sworn to in the shape of an affidavit; he swears to it now. I notice here that it is not in numerical order, so I shall put it in numerical order afterward. If you please, mark it in evidence.

(List marked Exhibit 1, October 11, 1894, L. W. H.)

Q. How many days did it take you to get up that list? A. I suppose — I did not work steady on it — I suppose I was about two weeks and a half off and on.

Q. Do you mean to be undertood that you went to each one of these places, and saw that they were in operation? A. I did, sir.

Q. To everyone of them? A. I seen some evidence in them, or got some evidence in them, that shows that they are running as policy shops.

Q. That they were doing business there? A. Doing business, and selling lotteries.

Q. Does that statement of yours include any individual place mentioned on that list? A. Yes.

Q. Your instructions from me were not to report any place unless you could swear to it as a fact that the policy business was being conducted there at that time? A. Yes, sir; those were my instructions.

Q. Have you followed those instructions? A. Yes, sir.

Q. And you swear this report you made is accurate and correct? A. Yes, sir; it was; of course, it is probably —

Q. For the time you have stated, within the days you have stated? A. Yes, sir; I have got lots of slips, and lots of plays I got in many of those places.

Q. In many of those places you have reported here you have played in them? A. Yes, sir; here is some places, and here is a lot more here.

By Senator Pound:

Q. How many places a day did you visit? A. When I had a ward I picked up 50 or 60 places very easy; I got a play in them, or got a slip from them.

By Mr. Goff:

Q. What is this? A. That is "a book."

Q. This is "a book?" A. Yes, sir.

Q. This is what you call "writing it up?" A. That is a policy book; that is the regular gig all written down; that is the book you send to headquarters.

Q. That is one there? A. No; one drawing; that is only one of the books; that is just a copy; there are three of those sheets; the same ones at headquarters, and one to Jersey City, and keep one; that is for one drawing; that is all.

Q. And you say you sent one to headquarters, one to Jersey, and you kept one? A. Yes, sir.

Q. To whom did you send it to Jersey City? A. Well, they sent it to this Conlon's office; of course, there is a runner takes them over; I don't know where his office is; you could not find it very well.

Q. I notice here, for instance, on the first column, several numbers, and a small column then with the figures 10 in it? A. Yes.

Q. What does that mean? A. That is the way some people make their books; that is to add up their column easy; that is 10 cents that play costs.

By Chairman Lexow:

Q. In how many of these 600 places could you actually buy slips and plays? A. How many did I buy?

Q. Yes; in how many of them did you buy a play? A. I should judge in about 100 of them; the rest of them, I got slips from them, or something from them, and talked a while.

Q. You are known to most of them? A. Most of them I am known in.

Q. When you say you got slips, what do you mean by a slip? A. Where is that running slip?

Q. A running slip? A. There is one.

Q. And from how many of them did you get running slips? A. Most all of them.

Q. In other words, in over 500, or about 500, you got running slips? A. Yes, sir.

Q. And how many of those places did you visit where you did not get any at all? A. I don't suppose more than 50 of them, and then I would go in and talk, and see people buying; that is plain enough.

Q. How many of those 50 would be included in that statement? A. I seen a book or a slip, or seen them writing policy in every one of them.

Q. You swear to that? A. Yes, sir.

Q. In other words, you saw evidence there that if a policeman had seen, then it would have justified an arrest of the writer? A. Yes; well, the policeman might not have understood — well, he could not help it either; I understand how the game is run, you know; a policeman might see a man writing on a book, and he might not say it was a policy book, you know.

By Mr. Goff:

Q. But policy playing was indulged in in every one of those places that you have reported in your return? A. Yes, sir.

Q. We asked you a question or two about — A. I did not tell you about Captain Mertins.

Q. You omitted to tell us about that? A. Captain Mertins came — well, I don't remember now — it was just this last spring or winter when there was such a scurry around anyhow — Captain Mertins came around where I was, at 1464 Third avenue, and came there twice personally and came into Mr. Dore's house to tell us to close up and get out for a few days until everything blowed over; that was Captain Mertins.

Q. Speaking about Dore, was he a backer? A. No; he is a middle man.

Q. A middleman? A. Yes, sir; he opens books; he fits up a place, and opens a book, and gets a man to back it and gets so much of the earnings.

Q. You spoke of children going into these places; have there ever been any arrests made so far as your knowledge goes of children, or of policy players, for letting children into those places for playing policy? A. So far as my knowledge goes about four years ago, there was two Gerry men came around to this man Dore, and they were going to arrest him for giving a slip to a little boy — my little brother-in-law.

Q. Is this the little fellow in court? A. That is him; he was only about 10 years old then; and some lady down the street had given him a paper and money, and told him to go to Dore's, and she gave him a penny, so as to bring it back; the boy did not know what the paper was for, and Dick gave it to him, and it appears somebody complained on Dick for doing this; I don't know who it was, but two Gerry men came over and went to the boy's house and to his mother, and told her about it, and of course she knew nothing about it, and when the boy came home she corrected it and stopped it; Dick came very soon after, and he says, "Well," — I won't mention the name — "Well, Mrs. — he says, it just cost me \$50 for giving those papers to little Johnnie; just \$50," he said, "I have to pay those Gerry men \$50 to get out of it;" I says, "Don't let Johnnie go around there again;" she had been slightly acquainted with this Dore, and she had lived there for years, and he said, "Never let your boy come around again; I had to pay this man \$50."

Q. Did you try to subpoena Dore? A. Yes, sir; and a man went up there, and they told that Dore had gone to Kansas six weeks ago; I had tried to find him the last two or three nights, and my opinion is he is laying low somewhere.

By Senator Bradley:

Q. He is behind the door? A. Well, he is out of sight.

By Mr. Goff:

Q. Is your wife, who is now in court — was she present? A. She was present when the two Gerry men went to her mother, and they had gotten the boy's name, and she was present when the Gerry men came up; I don't know whether she was present when Mr. Dore said to my mother-in-law that he paid the Gerry men; but my mother-in-law told me personally, and told me the whole circumstances that this man Dore had said it cost him \$50.

Q. Was there ever any arrest or prosecution made against Dore for selling this little boy this slip? A. No, sir; not at that time.

Q. Or at any other time since? A. Not by the Gerry men; he has been arrested half a dozen times by the police.

Q. I mean for selling this little boy the slip? A. No, sir.

Q. The Gerry men went there? A. Yes, sir.

Q. Did they take the little boy with them? A. No, sir; I think they did not see the boy; the boy was out at the time they came to the house; they had good evidence that this man Dore had sold to the boy to give to this lady down the street.

Chairman Lexow.— That is all.

George W. Miller, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Carriage and wagon-making.

Q. Where? A. West Farms.

Q. In this city? A. Yes, sir.

Q. Is West Farms in this city? A. West Farms is in the city; yes; about One Hundred and Seventy-second street.

Q. You have had the polling-place in your shop? A. Yes, sir.

Q. For many years? A. The first time in 1891.

Q. The first time in 1891; well, what rent did the city pay you for the use of your shop? A. It was about \$50.

Q. Had you to pay any portion of that \$50 to any person? A. So my partner told me; I had a partner at that time; he made the arrangements.

Q. With whom? A. According to the book, the book says to the sergeant.

Q. Let me see the book? (Witness produces book.)

Q. Now, this book you show me, was this a book used in your business? A. That is a day-book.

Q. In whose handwriting are the entries? A. In mine.

Q. And did you make the entry here on September 28, 1891? A. Yes, sir.

Q. In your handwriting? A. Yes, sir.

Q. It says, "September 28th," this is money paid out? A. By Mr. Hamilton.

Q. Hamilton paid; that is, he gave you a statement of moneys paid out? A. Yes.

Q. And you entered that in the book? A. Yes, sir.

Q. "Line, 15 cents, sergeant, for election, shop, \$15;" you say that for the privilege of holding elections in your place? A. That was supposed to be.

Q. You got the money from the city? A. As I understand it, it was a bonus.

Q. A bonus to the police captain? A. I don't know; Mr. Hamilton attended to all the outside business, and, as I understood, to get the privilege of having the election there, there must be a bonus paid.

Q. To the captain of the precinct? A. As to that, I don't know.

Q. To the police? A. Yes; to the police.

Q. Now, in order to get the place of election approved of, it is necessary to have the approval or report of the police captain in each precinct, is it not? A. I believe that is the understanding.

Q. And for that, you say it is generally understood that a bonus shall be paid to the police out of the money received from the city? A. Yes, sir.

Q. And this \$15 represents the bonus that you paid and your partner for that out of the \$50 which you received from the city? A. Yes, sir.

Q. Did you have elections in your place afterward? A. Yes, sir.

Q. Did you pay the next year? A. We lost it next year; we did not have it.

Q. Eighteen hundred and ninety-two? A. Eighteen hundred and ninety-two, we lost.

Q. Eighteen hundred and ninety-two, you lost? A. Yes, sir.

Q. That is, somebody else got the place in your election district? A. That was it.

Q. In 1893, did you have it? A. Yes, sir.

Q. Did you have to pay in 1892? A. At that time I was alone; I got rid of my partner, and that time I was alone; having lost it the year previous, I agreed to pay the same bonus; that I did myself.

Q. To whom did you agree to pay the same bonus? A. I suppose, to the ward detective.

Q. And did you pay the same bonus? A. Yes, sir.

Q. Fifteen dollars? A. Yes, sir.

Q. Have you conversed with — A. I would like to say as well, I have the polling-place this year there, but no bonus paid.

Q. You have not been asked this year for bonus? A. No, sir; thanks to Mr. Lexow and this committee.

Q. Did you ever see Captain Mertins about the matter? A. I don't know him; I don't know the precinct captain either; you see West Farms is as far from Tremont as Harlem bridge is, that is, the length of time to go there; there is no cars running across, and the only way to get across is to walk.

Q. Well, did you see the sergeant? A. When, this year, do you mean?

Q. In 1891? A. I might, but as I say, Mr. Hamilton, he was twice my age, and he attended to all the outside business, and especially this matter.

Q. Last year, 1893, did you pay the money in advance, before you got the money from the city? A. That was the understanding when the lease was given.

Q. When the lease was given to you, that you would pay the money then? A. Yes.

Q. Fifteen dollars; have you spoken with other persons who have elections take place in their shops or houses? A. No, sir.

Q. You have not? A. Not on that matter; I have spoken with them; I know one party; but I never asked him if he paid; I understood they did.

Q. You understood? A. Yes, sir; it is only a matter of here-say evidence.

Mr. Goff.—While I do not wish to put it into his evidence, the number of communications I have received on the same point all around would indicate that there is a uniform custom in this city that every polling-place has to pay.

Senator Pound.—Who gets the money?

Mr. Goff.—The police. There are over 1,100 election districts in this city.

By Chairman Lexow:

Q. You testified that it was common rumor that payments of that kind had to be made; what have you to sustain that inference of yours that it is common rumor? A. General talk of people to me.

Q. Do you mean to say you have spoken to others who have made the same payments? A. Well, I mean that among my friends and acquaintances, that it is understood; the same as I meet an acquaintance and happen to speak about elections, etc., and ask him where the polling-place is in his district, and he says so and so; and possibly he paid more than another man and got it.

Q. And that the payments are made to the wardman in the particular district? A. I don't know whether it is done in all cases.

Q. I mean is that the general impression? A. It is paid to the police department, men they designate, whoever is around; I do not know whether it is always the ward detective, or whether it is the sergeant; I understand it is the sergeant of police.

By Senator Bradley:

Q. Were you well acquainted with the man that got the polling-place in 1892? A. Yes, sir; I know him.

Q. Did you ever have any conversation with him about getting the polling-place in the previous year? A. No; I did not.

By Chairman Lexow:

Q. You don't know whether he paid or not? A. I could not say no more than I heard he had; I never asked him.

Q. He never said anything to you about it? A. He never did.

Mr. Moss.—I desire to read from the blotter of the Nineteenth precinct in connection with the testimony of Seth B. Robinson. He was not able to get the name of the police surgeon who examined Officer Callahan, "September 12, 1894. Seth B. Robinson, a lawyer, of 49 Liberty street, residence, 719 Madison avenue, called Roundsman John H. O'Neill's attention to an officer, John J. Callahan, of the Fifth precinct, at Twenty-third street and Sixth avenue, whom Robinson said was under the influence of liquor, and had fallen down stairs of the L station at Twenty-third street and Sixth avenue. He had also seen him stagger in the elevated train before arriving at Twenty-third street, and when the roundsman found him, he was down stairs in the trunk store, northwest corner of Sixth avenue and Twenty-third street. He walked to the station-house, with the roundsman and Mr. Robinson, and Dr. Cook was sent for, and examined him, and the following is the report to the superintendent, Thomas Byrnes. In accordance with rule 527, I examined Policeman John J. Callahan, of the Fifth precinct, at 10:15 a. m., this day, as to whether he was intoxicated or not. I found he could walk without deviating from a straight line, could stand still, and erect with closed eyes, on both feet, and on one foot had no muscular tremor. He could comprehend and answer my questions put to him understandingly and correctly. The only evidence of intoxication I could find on him was a faint smell of liquor on his breath. I am of the opinion that he is capable of doing police duty. Very respectfully, S. G. Cook, M. D., Surgeon of Police. Papers sent to Central office with Officer Marvin, obtained at 11:25 a. m." This is the same officer of whom we will prove he went into a restaurant yesterday, and committed various acts while intoxicated.

Senator Bradley.—There is no evidence there about his giving another man his coat and hat.

Mr. Moss.—No; not on the blotter. They would not put such a thing as that on the blotter.

Senator Bradley.—Isn't that a serious charge to give another man his coat and hat?

Mr. Moss.—He induced another man to commit the offense of impersonating an officer; and that would be very serious.

Chairman Lexow.—If there is no further testimony, do you want to say anything more?

Mr. Goff.—The report has just been handed to me in an evening newspaper, the Evening World, of another dead body

having been discovered in the "Walled-off Flats" testified to by Mr. West—Ryan's boxes. I have another case of extraordinary brutality, and a record of beastly language, but I think the record we have is sufficient, and I will not ask the committee to sit any longer this evening, and with your permission, I ask, Mr. Chairman, that we adjourn until Tuesday morning.

Chairman Lexow.—All witnesses subpoenaed for to-day, or in attendance to-day will attend again on Tuesday of next week at half-past 10 o'clock in the morning. The committee will stand adjourned until that time.

Proceedings of the forty-sixth session of the committee of the Senate of the State of New York to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court room, Part 3, in the city of New York, Tuesday, October 16, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Cuthbert W. Pound, and Jacob A. Cantor; John W. Goff, and Frank Moss, of counsel for the committee.

James Smith, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Your name is James Smith? A. Yes, sir.

Q. You keep a restaurant, do you not? A. Yes, sir.

Q. Whereabouts? A. Eight Greenwich avenue.

Mr. Moss.—Is Officer Callahan here? (No response.) I have had occasion to write to the captain having the precinct where Officer Callahan is stationed, calling his attention to the persistent failure of this officer to respond promptly to subpoenas; he was subpoenaed the last day, appeared here, walked out, was called twice, and managed to get into the rooms between the courts. This is the same Officer Callahan that was testified about by Seth D. Robinson.

Q. I think you saw Mr. Callahan in court the other day, didn't you? A. No, sir.

Chairman Lexow.—Is this corroborative testimony of the same facts.

Mr. Moss.— No; other facts.

Q. Please tell what Officer Callahan did in your restaurant recently; what was the date? A. Yesterday, a week.

Q. Just a week ago? A. Yes; yesterday, just a week ago yesterday, he came in about 4 o'clock with two live chickens in his hands, about 4 o'clock, and put the chickens on my table; I said to him, "What are you going to do with those chickens;" and he said, "Have you got a knife;" I looked at him and saw he was drunk; and he said, "Give me a knife;" and he put his hand to his pocket (illustrating, by placing his hand at his hip pocket), and said, "I will shoot you if you don't give me a knife;" I saw he had a pistol in his pocket; I never saw him before; I ran out for a policeman, and couldn't find none, and when I returned my waiter put him out; about 15 minutes afterward he came in without a collar, or tie, and without an overcoat, and I was standing outside the door, and he said, "Get inside;" and he pushed me inside, and had a pistol in his hand, and he ran at the waiter in the kitchen, and the waiter ran through into the barber shop, and he broke a looking glass in the kitchen, and he handcuffed me and brought me to the station-house, and dragged me to the station-house, and said I robbed a man of \$150.

Q. He did not charge you with that in your restaurant, did he? A. No, sir; but he made a charge against me in the station-house that I robbed a man of \$150, and then made a charge against me of assault, and selling liquor without a license.

Q. Three charges? A. Yes, sir; and the captain discharged me and kept him there.

By Senator Bradley:

Q. Did he have his coat on then; did he put his coat on before he arrested you; without an overcoat, you said? A. Yes; without an overcoat; he had citizen's clothes.

Q. He had no overcoat on? A. He had no overcoat the one time.

By Mr. Moss:

Q. You were not held by anyone on either of those charges? A. No, sir.

Q. Did you report this to any judge or official? A. No, sir; I made a charge at Mulberry street.

Q. That charge is now pending? A. Not yet.

Q. You have not been called on? A. No sir.

Q. Who did you see there? A. I saw Inspector McAvoy.

By Chairman Lexow:

Q. How long ago did you make the charge? A. Last Tuesday;
the next day.

Q. Last Tuesday? A. Yes, sir.

Q. A week to-day, exactly? A. Yes, sir.

By Mr. Moss:

Q. Have you seen the officer since? A. No, sir; I have not.

Q. Had any communication from him? A. No, sir.

Q. Anybody call about the matter? A. Yes, sir.

Q. Who called? A. A man named Farley.

Q. What did he say to you? A. He told me to let it go, etc.;
and I told him I would not; I would tell the truth; that is all.

Q. Who is Mr. Farley? A. He is collector for Raslin &
Beed, ale-brewers on Eight avenue.

Q. Did he tell you what would happen to you if you did not
let it go? A. No, sir.

By Chairman Lexow:

Q. You did not see any police commissioner? A. No, sir.

Q. You only saw Inspector McAvoy? A. Yes, sir.

Q. Did he take it down in writing? A. Yes.

Q. So far as you know the matter of your complaint has not
been brought to the knowledge of the police commissioners
themselves? A. No, sir.

Chairman Lexow.—Don't you think that these individual
cases —

By Senator Bradley:

Q. How long have you been in the restaurant business? A.
Four years.

Q. Have you ever had any trouble with the police whatever?
A. No, sir; never.

Q. You have never been approached by any of the police for
blackmail? A. No, sir.

Q. Never asked for a dollar? A. No, sir; never in a station-
house in my life.

Q. You were never approached by an officer or policeman for blackmail money? A. No, sir.

By Chairman Lexow:

Q. You were brought before a police justice weren't you? A. No.

Q. How were the charges against you dismissed — by the sergeant at the desk? A. Yes; by the sergeant at the desk.

Q. He simply released you? A. Yes, sir.

Chairman Lexow.—Don't you think these individual cases, Mr. Moss, of usurpation of power by individual police are really traceable to the general system?

Mr. Moss.—Yes; that is our contention, and that is why we bring them out.

Chairman Lexow.—And that there is almost enough evidence before the committee now to show that a system of that kind exists, and the point has been reached where we ought to really go higher.

Mr. Moss.—So far as that is concerned, your committee will take notice that a short time ago we produced a large number of cases of this kind, and brought a great many of them to a focus on one day, so that it might well be said that the intention of the police department has been called in the most strong manner possible to this condition of affairs. Now, these cases are cases which have arisen since that day; these occurrences have happened since that time, and they happen nearly every day. Now, the point that I make proof of in this case is that this officer has been in this court in uniform; and we are not able to show now, this morning, that he has been suspended, but he has been here in uniform, so it is patent to us that, notwithstanding what has happened, that officer has not been suspended and is still on the force.

Chairman Lexow.—It seems to me the counsel having formed such a foundation as they have, and absolutely impregnable foundation for testimony against those in higher authority, that it would be proper to summon the police commissioners, and put them on the stand, and ask why they permit this to be tolerated.

Mr. Moss.—We do not think the time has come yet on that line. The continuing failure to act while this committee is in session, and while these cases are being unfolded, is

making up an indictment for which we shall call the commissioners to answer in a little while.

Chairman Lexow.—It looks to me that the indictment is very close to absolute proof at this time.

Senator Bradley.—You want to prove that these things exist under the reform administration?

Mr. Moss.—Certainly, under the present administration.

Senator Bradley.—With two reform commissioners?

Mr. Moss.—Yes.

Chairman Lexow.—I do not believe the Senator wishes to criticise the commissioners on this last case. Inspector McAvoy is the only man who is informed of the complaint.

Mr. Moss.—But the point is that the police board, as reformed, without regard to personalities, but as reformed, in some measure, is not able to or does not succeed, for some reason, in putting a new spirit into the police court.

Senator Bradley.—Has it not been proved that this same individual fell down the Elevated railroad steps?

Mr. Moss.—That is the point I wanted to bring out.

Senator Bradley.—And that he went into a basement or cellar and took his uniform off, and some person took his uniform off, and let it to another man to impersonate him to deceive the lawyer that was here, that he was the individual, and he was lying drunk in the basement; hasn't that been proved?

Mr. Moss.—That has been proved.

Senator Bradley.—The police commissioners should have taken notice of that.

Chairman Lexow.—No, I disagree with the Senator. We have placed ourselves on record here, requesting the police commissioners not to move. We can not take the inconsistent position that after that testimony is adduced on the stand here that, in defiance of our repeated requests they should try that man for his offense, unless it was shown that that matter had been brought before the police commissioners previous to the witness coming on the witness-stand.

Mr. Moss.—It appears from the blotter it has. The blotter shows that the papers had been transmitted to headquarters.

Chairman Lexow.—Do you remember the date of that?

Mr. Moss.—Sixth of September, last month.

Senator Bradley.— There is no charge of blackmail or fraud against this man, and this is a breach of discipline which the commissioners are bound to take notice of immediately. It is different from any other case entirely that we have requested the police commissioners to keep their hands off.

Chairman Lexow.— I believe that under the Penal Code the aiding and abetting another to personate an officer is an indictable offense and crime; and, therefore, it is not only a breach of police discipline, but an absolute crime.

Mr. Moss.— The reason for calling this witness to-day is, that it shows most vividly the manner in which brutality is encouraged, if not created, by the present system of administration of the police force. This Officer Callahan was found drunk a month ago by Lawyer Robinson. Lawyer Robinson as a public-spirited man clung to him. He did not propose that that man should go off on a rampage and do what other policeman have done. He found his superior officer. He insisted that the officer should go down and get his subordinate and take care of him. The officer would not do it until he was compelled by the persistence of Mr. Robinson, and Mr. Robinson entered the place as detective to find the drunken officer. Mr. Robinson still stuck to him and got him to the station-house. The sergeant endeavored to exonerate him. The police doctor was called in, and the police doctor with a peculiar certificate decided the man was able to do police duty, and he was sent out to do duty. The facts as appear by the blotter were sent down to police headquarters. The man remained on duty. There were no charges preferred against him. He was not suspended an hour. He goes on, and he develops, and he goes in the restaurant of this man with two live chickens and wants to cut their heads off in his restaurant, and because he is not allowed to do it, he produces a pistol and threatens to blow his brains out.

Senator O'Connor.— Mr. Moss, of course this committee can not make the policemen do their duty. Our function is to take the evidence and report to the Legislature. Now so far we have been making it quite warm for the rank and file of the police. There seems to be a great deal of disorganization of the force. Now what we want to know is whether the parties higher up are responsible for this condition of affairs; and we would like to have the satisfaction of having them come on

the stand and tell their story; we want to see whether the men who are charged with the conservation of this police force, to see they do their duty, how far they are derelict in their duty. We want the fountain head.

Chairman Lexow.—It seems to me Mr. Moss that we have indictments here by the wholesale of the police commissioners, if the testimony adduced before this committee is true. You produce upon the stand here for an entire day, if not two days, men who have usually maltreated citizens of this city, and who still were wearing the uniform of the force. Why can not you have the police commissioners here to answer why they permit those men to still wear that uniform and use that club. It seems to me that we ought to go as high as we can go, and just as soon as we can go there; and I think this committee is prepared to put a few questions to those police commissioners as soon as you subpoena them.

Mr. Moss.—Your honors have had confidence thus far in the judgment of the counsel.

Chairman Lexow.—We do not say that as intimating any lack of confidence.

Mr. Moss.—There are a great many things we want to ask these commissioners. We do not want to put them on the stand and ask them simply about police clubbing and then let them go, and have another chapter. When we get our commissioners on the stand, we propose to keep them there to answer the whole indictment. Our indictment is not yet completed. This is a very small part of the indictment. This is a minor chapter.

Chairman Lexow.—I only thought it my duty to call the attention of the counsel to the fact that it seemed to be the general feeling among the committee that we have reached the point where now the investigation of the fountain head of the department was rendered necessary, not only for the purpose of our own satisfaction, but because there is a public demand in this city that that should be done, and should be done at once. Now if counsel in their discretion, with a larger view of the objects that they seek to obtain, and possibly individual members of this committee may not think that the time has been reached for that, why of course we bow in deference to their judgment.

Mr. Moss.—I am certain that the committee and learned chairman will feel that when the commissioners are put on the

stand, when the testimony is evoked and their answers to the questions come out, that we will then be justified in their mind as to any lapse of time in putting them on the stand. We shall put them there when the case is ripe.

Chairman Lexow.—Very well, Mr. Moss; will you proceed.

Mr. Moss.—Let me say again in reference to this officer and possibly other cases of the same nature that we may produce, that our point in putting these cases on now is that the commissioners have had a tremendous notification of a great evil that exists; that their officers commit crimes which, if committed by private citizens, would send them to State prison; but these officers, because they are officers, may commit and do commit these very crimes, and are doing them every day while this committee is in session, and they are not even suspended. There is no rule that requires the police commissioners to put these officers on trial in the criminal courts, but they ought to do it now as matter of right for their own protection, and they do not do it.

Chairman Lexow.—I personally do not place very much confidence in the argument that the proceedings before this committee are going to demoralize the police courts of the city. I do not believe that virtue will be demoralized. I do not believe that men who have not violated the law will be demoralized. Only those who can by any possibility be demoralized are those who have used the club and who have violated the law, and who ought to-day not be on the police force of this city; so I do not think this evidence is going to demoralize the force.

Mr. Moss.—Oh, no. And while we are on this point, let me make this further suggestion: There are a great many people in this city who are in terror of the police, who have felt their club, not simply a sentimental feeling that has come from authority, but they felt the authority of the club. These people begin to realize that they can come here and be protected in telling their story; and I say that the freedom we have given to people to tell their grievances have opened up; we have evidence of other kinds which has been very important and very useful. There are in this city two station-houses which are known as the slaughter-houses, because, when people are gotten into those station-houses against whom the officers have grudges, they are beaten and hammered. and put

in jeopardy of their lives. I have a man now whom I hope to get upon the witness chair, who only last month was kicked and ruptured in one of those station-houses.

Senator O'Connor.—By an officer?

Mr. Moss.—By an officer in the station-house, with a full knowledge of the sergeant at the desk. When the unfortunate citizen, who has not sufficient power to stand up and demand and insist upon and get his rights, goes into that station-house, and the doors are closed upon him, he has no chance; he has no witnesses; the officers will stand together and say nothing has been done; and this is the only place where he can seek for redress.

Senator O'Connor.—There is a rule of the police department provided for dismissal of the policeman who uses his club, except in self-defense.

Mr. Moss.—Certainly; but in three years there has only been one dismissal for assaulting a citizen.

Senator O'Connor.—Whose duty is it to complain about it?

Mr. Moss.—They have been tried before the board, and have gotten for that offense running from 3 to 10, 20 or 30 days' pay.

Chairman Lexow.—Your claim merely is that we will go higher by producing this general indictment.

Mr. Moss.—We are going high by a short road; we will get there shortly.

Senator Bradley.—If you would go to Blackwell's island, or to the lunatic asylum on the island, you would find a great many cases of clubs there, men out of their minds, and lunatics from the club.

Mr. Moss.—If some of the doings known to the counsel happened in other countries, there would be a popular uprising.

Joseph Frankel, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You keep a saloon at No. 17 Hester street? A. I keep a saloon at 17 Hester street at the corner of Suffolk.

Q. How long did you keep that saloon? A. Eleven months.

Q. When did you give it up? A. I gave it up on the 14th of February.

Q. Did you have a call in February from two police officers? A. I had a call on the 12th of February, night; that was on

Monday night; I was called upon by Officer Hussey on a charge of suspicions of robbery, that I held up a man by his throat, and another man has taken out \$10 out of his pocket.

Q. Well, before that time you had known Officer Hussey, hadn't you? A. Yes, sir; I had — Mr. Shelvey, a ward detective —

Q. How long had you known him? A. At the Bavarian Star, when I took over the saloon of a gentleman of the name of Silverman; he told me that Mr. Shelvey is a ward detective and to be able to keep the saloon open on Sundays I would have to give him \$5 each month.

Q. That is for Shelvey? A. For Shelvey.

Q. Did you do so? A. So I went to see Mr. Shelvey and he told me he would call around at my place, and so he did, and I gave him \$5 for the first month, and so he has come every month to my place, and I always called him in a private room, and I have given him \$5 for protection.

Q. How many times did you give him \$5? A. Ten times.

By Senator Bradley:

Q. In five months? A. In 10 months; one month I failed.

Q. In your saloon each time? A. In my saloon each time, yes, sir.

By Mr. Moss:

Q. Did you ever have any witnesses to that? A. No, sir; not in my saloon each time; once I gave it to him in the station-house.

Q. What month was that? A. That is something I can not recollect.

Q. Was there any officer present when you gave the \$5 in the station-house? A. No, sir; I asked the sergeant if I could see Mr. Shelvey, and he sent me into the private room in the Delancey street station-house and I handed him \$5.

Q. You say you missed one month? A. It is on the book; if I take the book I can tell when I missed giving it to him.

Q. Was it before you were charged with the robbery? A. Some thing before; four or five month before that; he has not called around and so I did not call for him.

Q. You say he came in on the 12th of February and charged you with taking a man by the throat, and taking \$10 from him; what did you say to him? A. I says, "What do you wish, Mr. Hussey;" he told me I had got to go to the station-house

and just make a statement and I did go; when I came to the station-house, Mr. Hussey appeared before the sergeant and told him; he says, "This man is charged with taking a man by his throat, and the other man has taken out \$10 out of his pocket;" the sergeant said to me, "Well, this is a good rig for a saloon-keeper in this city;" I said, "I beg pardon; I had not done such a thing, and he has not found it out as you claim for it."

Q. Stop there a moment; who was the man you were charged with robbing? A. He was a Polack; I don't know his name; he came in the place and asked for some drinks, and called his friends around.

Q. Do you know where he stays; have you seen him in any particular place? A. He has no home in New York; he generally works on the farms.

Q. Have you ever seen him around any particular saloon? A. Since when?

Q. At any time? A. Yes, sir.

Q. Around what saloon have you seen him? A. He used to come around to Silverman, corner of Clinton street, and corner of Division, on Clinton street also.

Q. Did you ever see him about Mr. Hockstein's and Mr. Smith's place? A. No, sir.

Q. This man came into your saloon with some friends, you say? A. He did not come in the saloon with friends; he has found friends in there.

Q. And he wanted to treat them all? A. Yes, sir; so he did treat them.

Q. How many drinks did he treat to? A. I think I put up about 23 drinks at that time.

Q. And you demanded pay, didn't you? A. Yes, sir.

Q. And what happened? A. And he said he had not got any money to pay them; I asked him several times to pay me; and I see the man was half full, and I did not care to have trouble in there and threw him out.

Q. And when he came back he had Officer Hussey with him? A. That was 8 o'clock in the morning when I done that, and 8 o'clock in the evening I was ready to go home, and Mr. Hussey came in and said you are charged with so and so; and then I was taken to the station-house until the next morning.

By Senator Bradley:

Q. Were you kept in the station-house all night? A. Yes, sir.

Q. You were not arrested with any warrant, were you? A. No, sir; I asked Mr. Hussey that myself; he says that all I have got to go to the station-house and make my statement; that was all.

By Mr. Moss:

Q. They got you there on a plea of making a statement; while you were in the station-house in the cell, did anyone come to see you? A. The next morning Mr. Hussey came down, and he says, "Frankel," he says, "I would not like to be in your boots;" I said, "What do you mean;" he says, "You are in a great trouble; you are charged here with suspicions of robbery; you may go away for about five or six years;" I laughed at him, and my heart was shaking then already, but I could not help it; afterward I said, "You had better go and see Mr. Charley Smith about me;" because I always knew that Charley Smith was doing good for people; I told him I always came around to Mr. Charley Smith's and showed myself as a man, and I told him, "Go and see Mr. Charley Smith."

Q. Didn't he propose first that Smith would be a good man to help you? A. No, sir; he did not.

Q. And didn't he say you would have to see Charley Smith about it? A. That was before, when he took me down the other night; and then I told him in the morning; I said, "Go and see Mr. Charley Smith;" he says, "I think somebody has seen him already for you."

Q. Did he mention his name? A. No; he did not.

Q. Mr. Solomon wasn't it? A. He did not mention his name. afterwards Mr. Solomon came in the station-house and told me that he had seen Charley Smith; I said, "I am glad; I think he will do good for me;" then I was brought before the judge — on that day it was Judge Koch — and I had my lawyer brought, and a friend of mine, Mr. Sternlish, and Sternlich came into court.

Q. You are getting ahead of the story; did Mr. Solomon tell you how much Mr. Smith wanted? A. That was after I was bailed, Mr. Moss.

Q. That was after you was bailed; go ahead? A. Mr. Hussey said, I don't need no lawyer; I says, "A lawyer will be here," he says, "No, you don't need none," he said, "Mr. Nathan S.

Levy, a lawyer in Ludlow street, he is a well acquainted man in court, and he will appear before you and do you better."

Q. This is the officer that arrested you telling you what lawyer to take? A. Yes; this is the officer that arrested me telling me what lawyer I should get; and Nathan S. Levy did not come, and Sternlich I begged to go up and see the case, and he went up and spoke to the judge, and the judge said he can not help nothing until we put him under a \$1,000 bail.

Q. Who was the judge? A. Judge Koch; but before he put me under bail I see Charley Smith going up to the bar and tell something to the judge; whatever he did I don't know.

Q. Did he go behind the rail? A. He went behind the rail and told him something to his ear; then he was said to me —

Q. You mean to say that Charles Smith has the entre to the court, and goes behind the rail and speaks to the judge? A. That is what he did; yes, sir; then he said to me, "See, he is talking to you;" I says, "All right, sir," when I was brought up before the judge he put me under a \$1,000 bail.

Q. What came next? A. And after, I went there to Mr. Smith; I said, "Mr. Smith, you know me; I always come in your place; I wish you should bail me; I have a place on Nassau street and am not going to run away; I wish you would bail me," he said, "I can not afford to bail a man for suspicion of robbery," and he walked out; and they took me down in the Essex Market Court, in the cellar, and people wanted to come in and see me; I did not see nobody; twice I see, one time that was an intended brother-in-law of mine Rosensweig, he came in and tells me he was to pay a dollar to get into court.

Q. That was testified to by Mr. Freidman the other day? A. I says, "You had to pay a dollar for coming in;" he says, "Yes;" "All right," then my brother-in-law came in — then Mr. Friedman. I says, "Why didn't you come before that;" he says, "They would not let me in; I had to go and see Charley Smith to pay a dollar and let me in;" I says, well it is worth a dollar to come and see me if I am arrested."

Q. How about the \$200; come to that? A. Then Solomon came in and he is a man that attends in Suffolk street and lives opposite; he was a friend of Smith's and always brought me around to Smith before that; and Mr. Solomon told me that I should go and square with Charley Smith to bail me out; I said, "Why don't you bail me;" he says, he has no house any more;

he has sold his house; I said go and see him that he should bail me; he says, he wants some money; I says, go to my brother-in-law and get some money to bail me; on the start my brother-in-law would not speak to him, and afterwards he called him into the office and told him if I would put up \$200 he would bail me out.

Q. That is, Smith would bail you out for \$200? A. Yes; and my brother-in-law said, "All I can give you is \$15 or \$20; I am a poor man; I can not afford to give him any money; Mr. Smith says, he wants \$200, either that or nothing;" my brother-in-law came up and told me that; I commenced to cry; I said, "Why should I go to work and put up \$200; I am a poor man, and especially I have not got it where shall I get it;" Solomon came up again and said, "Young man, I am a friend of yours and would not like to see any harm with you; you are likely to go away just like the man in Suffolk street that they put up a job on."

Q. Who was that man? A. I don't recollect his name very well.

Q. Wasn't his name Philip Couvant? A. I don't recollect his name; something like that; he told me like a man in Suffolk street was sent away for six years just for a put up job.

Q. Because he would not pay? A. Because he did not want to, and he says, "It costs him so much money;" I says, "This is a case in which he wants to have bail; the case will go any way;" he said, "If he bail you out the case won't come up in court;" well, I says, "\$200 for bail I won't give; that is only one night I should stay there; I won't give \$200; he came up so much and threatened me, and I could not help it; I was writing a note in English and in my own language to give it to my brother-in-law and my intended brother-in-law with the opinion to do what he can and take me out of there, which was a place I had never been in my life.

Q. These people knew you were engaged to be married to Miss Rosensweig? A. Yes; it was Solomon knew that I was engaged and I had to get \$400.

Q. They knew you were to get \$400 from your prospective father-in-law did they not? A. Yes, sir.

Q. And didn't they suggest you should get some of that money at that time so as to get you out of your difficulty.

By Chairman Lexow:

Q. What did they say? A. Mr. Solomon, says — I told him, "You know I have not got the money," because he was a good

friend of mine, and he was in my place there, and he knew what kind of business I had done there; I only made a living.

Q. What did he say about you going to get the money? A. he says, "If you can not do it you write a note to your father-in-law, and let him put up the money for you."

Q. Your intended father-in-law? A. My intended father-in-law and let him put up the money; what difference does it make to give it to you after or now; it would be a good place to give it to him, to Charley Smith; I was writing a note to my intended father-in-law, and my brother-in-law that they should do the best they can; my intended father-in-law on the start said no he only knows me for the last two months, and he would not put up \$100; for me because my brother-in-law told him he should only put up \$100; and I had a diamond ring and hocked it and my watch and chain and got the money; I told him I would do that to furnish that \$100; they worked so far with him that he went to the bank and has drawn \$100 out of the bank; and my jewelry is pawned for \$85, and \$15 my intended brother-in-law gave to them, and they went into Charley Smith's, and Max Rosenweig went into Charley Smith's place and handed it to his hands.

Q. The \$200 was paid in Mr. Smith's saloon? A. In Mr. Smith's saloon.

By Chairman Lexow:

Q. You did not see it paid? A. No.

By Senator Bradley:

Q. Your brother-in-law paid the \$200? A. Yes, sir.

Chairman Lexow.—That is the same case.

Mr. Moss.—This is the same case. It is Silver Dollar Smith.

The Witness.—Afterward I was waiting in court. I was going to be bailed out, and it was 11 o'clock in the morning.

By Chairman Lexow:

Q. Your understanding was that if you paid that money bail would be given and that no further prosecution of that charge would be had, is that it? A. No; I understood bail would be given, and I would be brought to the big court, and if there was any trouble came he would save me; that is what

By Mr. Moss:

Q. That is what Smith said? A. Yes, sir.

Q. Didn't Mr. Smith say you could not get anyone else but him? A. Yes, sir; when he says he wanted \$200 for bail, my brother-in-law went to see somebody else, and he turned back, and was trying to see what was going on there, and he was standing on the door-step, and Smith said, "You are hunting around like a fool and you may get a man worth \$100,000 and you never will be able to bail him out.

Q. You did not hear that? A. No, sir.

Q. Freidman told you that when it occurred? A. Yes, sir.

Senator Bradley.—He testified to that fact here on the witness-stand.

Q. After the \$200 was paid, what happened; were you brought up out of the cell? A. I was brought up before the judge; the judge asked me—

Q. The same judge? A. The same judge; the judge asked me whether I am guilty; I told him I am innocent; it was a public place; there was so and so many people in court; I can prove by so many witnesses, and I can prove they always know me and I always worked honest and true to make a living, and so on; he says, "What do you know about it, Mr. Hussey; do you know anything about his place;" he says, "His place is, as far as I know, I think it is a respectable place."

Q. What did Mr. Hussey say when he arrested you, when he arraigned you before the judge, the first day? A. The first day before I was put under bail the judge asked, "Do you know anything about the place;" "Well," he says, "I am often around that place, but I don't know what kind of business is going around there; I don't know Mr. Frankel very much."

Q. Then, after you had paid the \$200, what did he say? A. Then, after that, the next day, the judge asked him, "Do you know anything of Mr. Frankel's place; what sort of place is there;" and he says, "I think it is a very respectable place; I have been going around there, and I think Mr. Frankel is an honorable man, so far as I know.

Q. He gave you a good character after that? A. Judge Koch said, "I think you will have to discharge Mr. Frankel with enough honor."

By Senator Bradley:

Q. He discharged you honorably; gave you an honorable discharge? A. Yes, sir; but I will tell you a little more.

By Mr. Moss:

Q. Go ahead? A. Probably it is not enough; the whole case or this job was put up against me by Mr. Hussey; I will tell you; it is probable enough; Mr. Hussey was not taking protection money for me, and it was Mr. Shelvey, and Mr. Hussey wanted to take money and I could not afford it; he comes in my place the day before Christmas, and he says, "Mr. Frankel, what will I get of you for New Year's present," I said, "I will furnish a nice present, Mr. Hussey, talking friendly to him;" he said, "What will you give me? Probably whisky," I said, "I will furnish two fine jars of whisky, and some fine cigars; I am getting presents from my liquor and cigar dealers, and I will give them to you," he said, "I don't care for whisky," he says, taking out a bundle of bills, "See what others are giving me;" I said, "I am very sorry, I can not afford to give any money away."

Q. Go ahead; he showed you a roll of bills? A. He showed me a roll of bills, and said, "See what others are giving me."

Q. What did you say then? A. I said, "I am very sorry I can not afford it; times are too dull; I can not afford to give any money for Christmas presents," and he went away and never shown up again; on two or three days after New Year's I took a fine box of cigars and gave them to Mr. Shelvey and said, "Give that to Mr. Hussey," and he took it, and on the 12th that happened; that was on the 3d of January.

By Chairman Lexow:

Q. You did not see Hussey again until this thing happened? A. No, sir.

By Mr. Moss:

Q. This man came into your place and treated everybody, and ran up a bill, and you put him out, and got into a row with him, and the charge was made? A. Yes, sir.

Mr. Moss.—I will read from the blotter "February 12, 1894, 8:20 p. m. Joseph Frankel arrested as a suspicious person,

name complainant Joseph Lielego, having no home. Officers Shelvey and Hussey. Prisoner is proprietor of liquor store 17 Hester street, and is accused of holding complainant while William Rice robbed him of \$10 dollars in said liquor store at 9 this morning. Money not recovered. Discharged, February 14, 1894. Koch." Your honor will notice there is no statement of bail being given.

Q. No bail was given was there? A. No, sir.

Mr. Moss.— Mr. Friedman testified \$200 was to be paid for bail, but the moment it was paid Mr. Smith went over to the court-house, the prisoner was brought up before the judge and discharged without the formality of bail.

Chairman Lexow.— Is there any testimony as to who was the judge.

Mr. Moss.— Yes; Judge Koch. Is Mr. Rosensweig here? (No response).

Mr. Goff.— Mr. Chairman and gentlemen, on yesterday I addressed a letter to the superintendent of police and also to the commissioners of charities and correction, reative to alleged fraudulent registration in the Sixteenth Assembly district from and about the vagrants and paupers and some time criminals confined in the institutions of the city on Blackwell's Island; I may say here that last winter when the committee of gentlemen of the Bar Association of this city commenced the examination of election frauds; that the matter was then brought to my attention. Owing to the brief space of time at our disposal, and the impossibility to cover everything that came to our attention we decided to make a test case of a number of men who registered from the Tombs prison in this city, many of whom voted. The year previous we knew that they had been marshalled in the Tombs prison, that on the day of voting an address was made by an official of the Tombs prison, and he told them that they would be stood by and backed up in their votes. The mere fact of their being in the Tombs prison did not deprive them of the right of suffrage. We made a test case, and it came up before Mr. Justice Barrett in the Court of Oyer and Terminer; and Mr. Justice Barrett decided that persons in the Tombs prison must necessarily consist of one or two classes, either criminals under sentence or under charges, or employes of the city; and that to acquire a residence in the Tombs prison an employe of the city would have to live there and have a

residence no place else; and that any other person about the Tombs prison, or in the Tombs prison, had no right to register from the prison as a residence; and a conviction followed it of six men. It turned out these men had been undergoing a series of commitments for six months, covering a period of years. As soon as the first commitment would expire, without any form of law or right of law at all, the vagrant or tramp would be taken over to a police magistrate, and he would make out another commitment, without any charge having been made whatever, so that the commitments continued six months, and six months, and so on, and they were able to keep a lot of these hangers on and tramps in the city prison doing chores for the prison officials in the city prison. Of course, coming on to election time, they went through the formality of having them locked in their cells at night; but that of course was too specious a deception, and the learned judge brushed that aside, and the jury promptly convicted every one of those men. The same state of affairs has existed for years on the east side of the city in regard to the people coming from Blackwell's Island; and I took occasion to address the commissioners of charities and corrections yesterday, and also the superintendent of police upon this question, with a number of letters I have been receiving from residents of that district, calling upon the committee. Deeming such communication so important, I deemed it my duty to address those officials. Unfortunately I have been engaged this morning in business connected with the committee work and I could not get down to the opening of the committee, or I would have copies of those letters; but I plainly say in those letters, particularly in the commissioners of charities and corrections that their attention having been called to the violation of law that this committee and this community will hold them responsible for the violations of the law. Already the false registration has commenced up there from these paupers and vagrants in the city prisons or institutions. I have just received a letter from the superintendent of police, which I beg leave to read in connection with this matter: "October 16, 1894. Mr. John W. Goff, Counsel, etc. Dear Sir.—I have the honor to acknowledge the receipt of your favor of yesterday, with reference to complaints that you have received of false registration that will in all probability take place in the Sixteenth Assembly district, etc. In reply, I would inform you,

and through you, the honorable Senate committee, that, as superintendent of police of this city, charged, among other things, with the duty of preserving the integrity of the ballot-box, I have already taken such means as are at my command to effect the arrest of any persons found to have fraudulently registered, and with reference to the matter that you bring to my notice, I shall give it my immediate attention, with the view of arresting, not only the persons who themselves may falsely register, but also any persons who may be found to have aided, abetted or counseled any scheme of false registration or colonization. I would further state that such investigations as this department has been making, with the view of arresting any persons who may commit or attempt to commit frauds on the ballot-box, will be vigorously prosecuted until the close of the polls on election day. I shall be glad to receive any further information you may become possessed of relative to fraudulent registration or voting, and assure you that the same will receive prompt attention at my hands. Very respectfully, Thomas Byrnes, Superintendent of Police." I may mention, in connection with this matter, gentlemen, that two years ago this subject was the cause of inquiry by a federal grand jury. Owing to certain matters that it is not now necessary to explain, the prosecution was never pressed in the federal courts, but the federal grand jury was charged in relation to the matter by one of the justices of the Circuit Court in this department. I further say, gentlemen —

Chairman Lexow.—Was there some decision rendered last year upon the question as far as it referred to Blackwell's Island.

Mr. Goff.—It referred to that. It referred directly to the Tombs.

Senator Cantor.—I think some time ago there was a decision, some three or four years ago, on the subject of men on the Island who were on the pay-roll. I never heard of the inmates of the institutions that were there under commitment were ever registered; but there was a class of officials over there doing odd sorts of work who were on the rolls as employes, and there was some question about their right; and there was an opinion of one of the judges of the Supreme Court, but I don't remember the opinion.

Mr. Goff.—I remember the opinion.

Senator Pound.—This Tombs case went to the General Term, did it not?

Mr. Goff.—Yes; and the General Term not affirmed by Justice Barrett.

Senator O'Connor.—I will tell you, Mr. Goff, that just prior to election they would take a number of names of men who were committed there, and put them on the pay-rolls, and make them employes, whilst they were really undergoing imprisonment.

Mr. Goff.—I will make a further statement in regard to that matter. It is of so great importance to the community that I can with propriety make it, and it is within the scope of this committee. I have information which I can in the proper time put in the shape of sworn evidence that 1,500 vagrants were within a comparative recent period picked up and sent to the Island, and of those 1,500, 800 vagrants have been released from the Island within a comparatively short period solely upon the recommendation of a clerk in the employ of the commissioners of charities and corrections, with no judicial review. The police justices have made these revocations of their sentences without authority of law, simply by a recommendation of a clerk in the department. Eight hundred discharges have taken place from institutions from Blackwell's Island within a very recent period. I desire also to state in connection with this matter—I think it is also properly within the province of this committee—that we have given our attention to that flagrant abuse against every citizen, irrespective of political party or affiliations in this city. I have reference to the flagrant crime committed by the lodging-house voters in this city. We have, as far as we can, given attention to that subject, that we will bring up before you at the proper time. Now, gentlemen, not having the pleasure of being here this morning, I have been informed by my associates, Mr. Moss, that you referred in some way to this question of going higher up. I would like to say a few words to you upon that question, now that it has been brought up officially.

Chairman Lexow.—We would like to hear you, Mr. Goff.

Mr. Goff.—As you know, gentlemen, the opening sessions of the committee upon our bench of investigation was commenced by striking at the topmost rung of the ladder in this city. We were then confronted by a brazen wall. There was no fissure in it, and with no chance of finding one and our most sanguine

supporters and friends told us that they feared we never would be able to make as much as a dent in this wall of bribery in the city. We commenced at the top, and you will pardon me for saying I think we made a considerable dent in the brazen wall thus far, and the dent has grown into fissures of very large proportions. We felt then that this committee had given evidence and earnest to the public of its sincerity and its determination to push its investigation to the farthest limits it could. We found then that the terrorism which had hitherto manifested itself and intimidated the people of New York was being broken for the first time in our history, and gradually the people were being aroused to the terrible evil that had afflicted them for so many years. Before, we could not get one to come forward, owing to the fear for their business and personal safety. It was not only the safety of their personal business, but it was a question of their lives and their personal safety; and the trouble we had in overcoming those obstacles, and trying to reassure them, will never be known except to ourselves. We decided then, Senators, that, inasmuch as we had made an impression on the public, and inasmuch as the wrongs had been committed upon the public, that it was our duty to you and to the public to present the public side of it, and to let the people speak for themselves; and we considered it then not to be a wise policy to commence at the top, the effects of which would be known only to a comparatively few people in this city, and they mostly of the intelligent and well-to-do classes. Public conscience was not then aroused and when it has been aroused we considered it the best policy and the wisest course to pursue to let the lowest people in this city speak, from the woman that peddles her little newspapers or sells them upon the corner stand upon her little table, to the merchant on Broadway, so we would take in all phases of city life, all avocations and all occupations, good and bad; and that we would show that the evil of corruption and bribery had dominated our life to such an extent that we became as a people absolutely saturated with it in all the grades and phases of our municipal, cosmopolitan life. What, Mr. Senators, we asked ourselves, did the poor people on the east side or along the river front, what did they care about a police commissioner having been convicted or proven to have accepted bribes. They have been under the iron heel of the

pantata or wardman; their whole subsistence has been taken from them; and it is to arouse these people and arouse public confidence that we thought we were doing best in that line.

Chairman Lexow.—We have not taken exceptions to that, Mr. Goff.

Mr. Goff.—No, sir. I wish, now, to show further some particular reasons. Names of witnesses come to us every day, according as the vista opened. The number of witnesses increased, and we found that, as soon as the names of these witnesses got to us, we had to grab them; we could not wait. Some witnesses had been taken from us. Our men have been hunting witnesses in other States and are now in the act. They have been taken from us in the dead of night, where we watched them up to the time of going to bed. We know, and you know, gentlemen, the difficulties we have to deal with in getting hold of this evidence. We know that the officers must remain here or run away. If they run away, it is a confession. If they remain here, we can get them whenever we want them; and we thought it was the wisest policy to pursue to make use of all the material that came to our hand, because we knew when we were out of material we had the officers of the department to call upon. And another view, Mr. Chairman and gentlemen, is this: I am proud to acknowledge, and I know I speak your sentiments, the great debt that the people of this city owe to the newspapers of New York city in this investigation. The way they have, irrespective of political party, held up our hands, inspired public confidence and encouraged the people to come out and assist us is such that the public of this city and of this State and of this nation are under a debt of gratitude to the newspaper press of New York to-day; but in connection with that we must bear in mind that, while they have been so generous in their treatment of this investigation, and so accurate in their reports, and so faithful in showing the committee's good faith; yet we must not forget that we, who have been getting through the facts, are the best judges of all its bearings. The man that stands in the pilot-house can see dangers that the man on the stern of the boat will never recognize or observe; and if we once give away to any demand or suggestion coming from any party, no matter how honest they may be in their suggestion, the moment we lose our own head we lose control of this investigation; and so far as I am concerned, and while I am willing to receive advice and act upon it,

yet we have felt from the commencement that the responsibility rested upon our own conscience and the best of our judgment; and inasmuch as we have pursued that line, and so far I think with encouraging results, we may be pardoned if, for the good of the investigation, for the benefit of the public, for the benefit of the poor people who have been oppressed and burdened by this iniquitous institution, that we may be permitted to pursue our line on our own responsibility, under your advice and under your control, to the end, so that we will have for you a complete and uniform whole to go before the Legislature of this State next January, with a record of crime that is unparalleled in the annals of humanity.

Chairman Lexow.—The committee than understand that this testimony which is being offered now is simply for the purpose of furnishing additional foundation and an additional indictment, if you please, of those who are higher, and that it is the purpose before this examination terminates to have those who are responsible for this system upon the stand before this committee so that they can be examined.

Mr. Goff.—Yes, sir.

John Johnson, called as a witness on behalf of the State, testified as follows:

Examined by Mr. Goff:

Mr. Goff.—Is Keeper Leach here (a man stands up); are you Mr Leach?

Mr. Leach.—Yes, sir.

Mr. Goff.—Is Mr. Gatling here, Counsellor Gatling? (No response.)

Mr. Goff.—I call this witness, Mr Chairman and Senators, for the reason that he may be tried to-day or to-morrow. He is under indictment for an offense which it is not our business to inquire into; but he has been an inmate of the Tombs, and I wish to examine him before anything might happen under his indictment; if convicted he may be taken away, and if acquitted he might go away, and while he is under safe keeping I thought it proper to offer him here. His case was on the calendar yesterday and may be tried any moment at the Court of General Sessions. My purpose in calling this witness while we have him is to show the existence of one of the foulest abuses among the many in New York, and that is, the system in our district prisons by

which the keepers will secure for certain favored lawyers a retaining fee from the prisoners under their control; and as your chairman, Senator Lexow, said, the inevitable inference was that those fees were divided; in other words, that only those lawyers--and for the sake of the profession I am proud to say they are few, but there are enough of them—have and constitute a monopoly of the legal business that can be put into their hands through the instrumentality of the keepers of the prison, and the divy, of course, takes place between the lawyers and the keepers. That has been in the legal profession so notorious a fact for several years in the city that the respectable lawyers have practically speaking got out of the practice of the criminal law in this city, that possibly is the most attractive part of the profession, because they could not practice it owing to these practices, and they could not make a living excepting they agreed to divide their fees with these sharks and keepers in the district prison.

Q Now, Mr. Johnson, you are under indictment awaiting trial in the Tombs prison? A. Yes, sir.

Q. Do you remember when you were arrested? A. August 2d.

Q. Now, I do wish to put a question to you, nor do I wish you to say anything whatever touching the offense under which you are indicted; that is not our point here; what prison were you brought to after you were arrested? A. Jefferson Market.

Q. How long did you remain in Jefferson Market? A. Until the 7th of August.

Q. How long were you there altogether? A. From Friday morning until Tuesday morning.

Q. Now do you remember when you were first taken up to your cell in Jefferson Market? A. Yes, sir.

Q. Mr. Leach, stand up (Mr. Leach stands up); do you recognize that man? A. Yes; Mr. Leach.

Q Who is he? A. Michael Leach, the keeper at Jefferson Market.

Q. Where did Leach meet you? A. At the top of the stairs.

Q. What did he say to you and you say to him? A. "Good morning" I had seen Mr. Leach previous, and knew him; he said, he never expected to see me back there; then after taking my name he took me to my cell; he asked me if I had counsel; I said, yes, I had Mr. Samuel H. Randall represent me; afterward Mr. Leach mentioned about Penticost & Gatling as being good counsel.

Q. Penticost & Gatling? A. Penticost & Gatling; I told him I had counsel retained and did not intend to have anything to do with police court counsel, and did not want them.

Q. Did he say anything to you then if you wanted to see them that he would see you would see Penticost & Gatling? A. He recommended them very strongly and told me I could see them if I wanted to.

Q. After you had told him you already had a lawyer? A. Yes; and during the evening I was out walking with Mr. Hosier, who was arrested with me, when the keeper of Jefferson Market came to us and said Mr. Gatling was in the keepers' room and wanted to see us.

Q. Was he with Mr. Leach? A. Mr. Leach had gone home then, and this was at 9:30 at night.

Q. What was the keepers name? A. He was a blonde, a tall fellow; I don't know his name; but Mr. Leach had gone away at 6 o'clock.

Q. Told you that Penticost & Gatling—? A. That Mr. Gatling was there, and had come to see us.

Q. What did you do or say? A. I told the keeper I did not want to see Mr. Gatling, that I had counsel and would not have him.

Q. Yes? A. And so that ended that interview, and we were locked in our cells that night; the following morning Mr. Leach asked me why I had not seen Mr. Gatling; I told him I did not want him; I had counsel retained, and was not going to have anything to do with counsel recommended by any one else.

Q. Well? A. Well, Mr. Leach said Gatling would be around again and if I would like to see him I could see him.

Q. Did he speak to you in tones that indicated displeasure on his part? A. Yes, rather he swore at me a few.

Q. Swore at you a few oaths, you mean? A. Yes.

By Senator O'Connor:

Q. In connection with Gatling? A. Because I did not retain Gatling, Mr. Leach used strong language.

Senator Bradley.— Give us the language he used.

By Mr. Goff:

Q. Give us the language? A. Well, he asked what the hell I meant by not seeing Gatling, that it would not have done any harm; he said it made him look a complete fool.

Q. He, Leach, looked a complete fool? A. Yes, and asking the man to call and see me, and then he not seeing me; I said I never asked to see Gatling at any time, and never intended to see him.

By Senator Bradley:

Q. What did he say then? A. Well, he grumbled some more, and I walked away, and walked around the corridor, and took no notice of him.

By Mr. Goff:

Q. That was not very profane language he used? A. There was other words, and I am not used to swearing unless I have something to swear at, and I would rather not swear.

Q. That is not swearing to repeat what he said; give us the language he used so we will see the refinement of the prison? A. I would rather not, if you will excuse me.

Senator Bradley.—We ask for it.

The Chairman.—I would not insist upon it, gentlemen.

Mr. Goff.—I think Senator Bradley will consider the modesty of the witness.

The Witness.—It is not that. I would swear too, if I had something to swear at, but I don't want to swear unless I have a purpose; but I have said please to a man and I have had a refusal, and when I swore at him I got it.

Q. Did you say any further about Gatling, or was there anything further said to you about Gatling? A. Later on Leach asked me if I would see Gatling; I said I could not possibly engage him, and there was no use of seeing him; and that night Mr. Hosier, who was secretary for me in this company in which we are under indictment, we were let out of our cell to go and see Gatling.

Q. Who let you out? A. The night-keeper.

By the Chairman:

Q. Did you ask to be let out to go to see Gatling? A. Oh, no, sir; we paid to be let out; we paid for the privilege for being allowed to walk the corridor after hours.

By Mr. Goff:

Q. How much did you pay? A. Two dollars the first night and \$1.50 the second night.

Q. To whom did you pay the money? A. To the keeper.

Q. From your experience there, from your knowledge derived from your own case or other persons, can you state if that is the recognized custom? A. I have had experience in Jefferson Market and that was the custom on both occasions.

Q. You paid each time to get out? A. Certainly.

Q. You were in Jefferson Market before this last time? A. I was, sir, on a previous charge.

Q. How long ago was that? A. April or March of this year.

Q. How long were you in Jefferson Market at that time? A. Three weeks.

Q. Was anything said to you at that time about retaining special lawyers? A. Yes; but not by Mr. Leach, by the other keeper, the night-keeper who was there.

Q. What is his name? A. Rodgers; he is not at the present time in Jefferson Market.

Q. What names of lawyers did he give to you? A. Well, almost half the directory in New York city seemed to be in Mr. Rodger's list.

Q. Of lawyers? A. Oh, yes; he hadn't any special one; I could have had Barnett & Moran; I could have had Friend & House; I could have had J. Oliver Keane; I could have had almost all the people that frequent the police court there.

Q. He had them down on the list? A. Yes; my experience, Mr. Senators, with lawyers that frequent Jefferson Market has cost me some hundreds of dollars, and I did not want any more recommended by the keeper; that is why I was so bent on not having this man.

Q. Did you accept any of the names submitted to you? A. No, sir.

Q. The first time? A. No, sir; I used a little judgment, and I refused the keepers.

Q. Well, at that time; we will keep to the first time now; you say you had to pay them to get out into the corridor? A. Yes, sir.

Q. How much did you have to pay them? A. About \$7 in all for the two or three days I had in Jefferson Market the first occasion.

Q. And those privileges consisted in your being allowed to walk in the corridor? A. Being allowed to walk in the corridor from 2 to 6 and from 7 to about 10.

Q. Were the other prisoners allowed to walk? A. No, sir.

Q. Only those who paid for the privilege? A. That was all.

Q. Now, this last time you were in Jefferson Market, I will come down to your being let out of your cell to see Mr. Gatling; did you see him? A. I went into the keepers' room along with Mr. Hosier; I told him I had counsel, and could not do anything with him, it was useless to retain him.

Q. When was that? A. That was 9:30 on Saturday night, the 4th of August; Mr. Hosier stood and talked with Mr. Gatling something like an hour; I went back to my cell.

Q. Were you asked any further about Gatling? A. Mr. Leach was not there on Sunday; it was his Sunday off, and the keeper who was there never mentioned anything, and on Monday morning I told Mr. Leach that Hosier had seen Mr. Gatling, and that was all there was to it, there was nothing further transpired.

Q. Did Leach ask you if you had retained Gatling? A. He asked what we had done with Gatling, and I said we had not done anything.

Q. I will read from an affidavit made by you, Mr. Johnson, "That on the next morning the said Leach came to deponent and ask him if he had — ? A. That was on Saturday morning, Mr. Goff.

Q. I just want to read this: "If he had taken and retained the said Gatling the night before, and when deponent said he had seen the said Gatling but had not retained him the said Leach became very angry, and cursed deponent, and used abusive language towards him?" A. That was Saturday morning.

Q. Is that paragraph from your affidavit true? A. That is true; that is what I testified to on Saturday morning, the 4th of August.

Q. To whom did you pay the first money for getting out into the corridor? A. To Mr. Leach.

Q. How much was that? A. One dollar and fifty cents.

Q. And you knew that that was against the rules of the prison? A. Well, it was a privilege I was obtaining, and so I paid for it.

Q. When you obtained the privilege for which you had paid your money, could you tell whether there were other prisoners in the cell that had not the same privilege? A. I saw other prisoners in the cells.

Q. And they did not get the privilege you got? A. No, sir; and I did not get the privilege unless I had the money to pay it.

Q. What did Leach say to you when you paid the money; tell us how it was you came to give him the \$2; just tell us the conversation as near as you can recollect? A. Mr. Leach asked me if I would like to take a walk, and I said yes, and I felt in my pocket and gave him the money.

Q. Without any further questioning you knew what was expected of you; was that it? A. I knew at once what was expected.

Q. Did Mr. Leach mention any particular sum? A. A dollar; there were two of us.

Q. A dollar each? A. Yes.

Q. Did you occupy the same cells? A. No; adjoining cells, cells 22 and 23..

Q. Did you pay your dollar? A. I got the money from the other fellow to pay for the two.

Q. How did you buy any whisky while in the prison? A. Two bottles, yes, sir.

Q. How did you get to buy the whisky? A. From Mr. Leach.

Q. You did not inquire if he had a license at all did you? A. No; I told him I would like a drink; was shaky; I had a drink the night before and hadn't any chance to get a drink in the morning and would like a bottle, and I got it; I gave him a dollar for each bottle.

Q. You got two bottles? A. Yes, sir.

Q. He went out and got a bottle of whisky each time? A. Yes, sir.

Q. How much for each bottle? A. Half a pint, twenty-five cents worth.

Q. One of those small black flasks? A. Yes, sir.

Q. And you paid a dollar each time? A. Yes, sir.

Q. I suppose Mr. Leach and yourself drank each other's health? A. No; I drank it along with my partner that was in at the time.

Q. You did not divide the whisky? A. I did not.

Q. I mean you did not divide it with the prison officials? A. I did not divide it with Mr. Leach, no, sir; I divided it with my companion in trouble.

Q. There wasn't much in the bottle was there? A. Well, there was just enough to let me know it was whisky.

Q. Did you see other prisoners get whisky or beer? A. No, sir.

Q. Or anything of the kind? A. No, sir.

Q. How long have you been in the Tombs? A. I have been in the Tombs 10 weeks to-day.

Q. Have you had to pay for any privileges there? A. No, sir; I never have been asked for it.

Q. Never been asked for it there? A. No, sir.

Q. And you retained your own lawyer? A. I have my own counsel still.

Q. Is there anything further in connection with the prison at Jefferson Market that I have not asked you and you wish to state? A. There is one thing I wish to state to the committee, that is, the conduct of the officer who examined me on Saturday morning when I was at examination.

Q. The police officer? A. The officer at the foot of the stairs, as the prisoners come down from their cells.

Q. Who was the police official? A. He was a prison official at Jefferson Market; I don't know what he was.

Q. Well, tell us? A. On returning from the police court this official was searching me, and I put my hand on his shoulder; he threw me away from him, and told me he would mash my face, and otherwise damage my features; I said you can not do it; if you do you will lose your position; he threatened then to do me up in the worst kind of form, and at the time there was several others there and I said you will lose your job if you strike me; afterward I heard Mr. Leach talk about this matter; he asked me what the fuss was; I said, a man that handles me in such a rough fashion, and I put my hand on his shoulder to steady myself and he threatened to demolish my features in different ways, and if the man was here I would point him out.

Q. Had he any uniform on? A. He had a uniform on as a keeper.

Mr. Goff.—We will find out who that keeper is. Mr. Leach, come here.

Michael H. Leach, called as a witness on behalf of the State, being duly sworn, testified as follows.

Direct examination by Mr. Goff:

Q. Your name is spelled L-e-e-c-h? A. No, sir; L-e-a-c-h.

Q. Oh, that is slightly different; and have you borne the name of Leach all your life? A. Yes, sir.

Q. You did not adopt it since you went into the prison, did you? A. Oh, no.

Q. And since you have been in the prison you have tried to carry out in practice what your name indicates by sound? A. I do not know that I have.

Q. How much have you got from the division of the lawyers' fees there? A. I don't know as I ever got anything.

Q. Will you swear that you did not? A. I do, sir.

Q. You do swear? A. Yes, sir.

Q. I have no doubt of your willingness to swear, but do you swear you never received any benefit from lawyers who receive fees from clients you represented? A. I don't know as I did ever receive any.

By Chairman Lexow:

Q. You understand you are under oath? A. Yes, sir.

Q. A false oath is as much perjury before a committee of this kind as before a legal tribunal? A. I understand that.

By Mr. Goff:

Q. Now, I ask you again, tell this committee—you are under your oath; you know the penalty of perjury, do you? A. I do not know as I do.

Q. You do not know as you do, and you have been in this prison how long as an official? A. Seven years last June.

Q. Seven years; do you know what perjury is; you know what perjury is? (Witness shakes his head in the negative.)

Q. Are you dumb? A. No, sir; I am not dumb.

Q. If you are not dumb, answer my question? A. Well, I don't know what perjury is.

Q. You don't know what perjury is?

By Chairman Lexow:

Q. Are you answering intelligently; do you understand what you are answering? A. I don't know what perjury is; what is it?

Q. Have you ever heard of the term perjury? A. Certainly I have.

Q. And you never knew what it meant? A. I don't know what it means; no, sir.

Q. Do you know what the penalty for perjury is; do you know how many years a man is sent to State prison if he commits perjury? (No answer.)

Senator Bradley.—I think he had better change his position and go to police headquarters where the trials are.

By Chairman Lexow:

Q. This is too serious a question to be considered lightly; do you know what false swearing is? **A.** Well, I have always heard it stated; but I don't know what it means.

Q. What, false swearing; don't you know what that means? **A.** No; I don't.

Q. Don't you know what a false oath is—a false oath; don't you know what that means? **A.** Well, I can not explain whether I do or not.

Q. Do you know what will occur to you if you testify to something that is false, knowing it was false, upon the stand here; what would occur to you? **A.** Well, I don't know what would occur to me.

Q. Don't you know you would be liable to be arrested, indicted, imprisoned, and sent to State prison for it? **A.** Well, if I speak the truth, is that—that ain't—

Q. Don't you know; can't you answer that question whether you know or not whether you would be sent to State prison if you said something that was false on the stand, knowing it was false? **A.** I can not say whether I would or not.

By Senator Bradley:

Q. Did you ever go to school? **A.** Yes; I don't know what you mean by that.

By Mr. Goff:

Q. Let us see, Mr. Leach; how old are you? **A.** Fifty-four.

Q. And where were you born? **A.** In the city of New York.

Q. Go to the public school? **A.** I did, yes, sir.

Q. And what was your business before you got into Jefferson Market? **A.** Well, where was I; I was working in a steamship company.

Q. What steamship company? **A.** Wilson Steamship Company.

The line of steamers to Hull; is that so? **A.** Yes.

Q. Do you know where Hull is? A. I do not; no, sir.

Q. Don't you know it is in China? A. No, sir; I do not.

Q. Well, do you know — you passed a civil service examination all right didn't you? A. Yes, I did.

Q. Yes; and who were the civil service examiners that had the special examination of you and passed upon your questions?

A. I can not tell you who they were; I suppose they were the same as now.

Q. Were they colored men? A. No, sir; they were white men.

Q. Did you ever hear their names? A. I did hear one man's name.

Q. Would you recognize the name if mentioned? A. Yes.

Q. Was it Brown? A. No sir.

Q. Well through whose influence did you get that position, Mr. Leach, through whose influence? A. From Senator Murphy's.

Q. And you belong to the regular political organization of that district; don't you? A. I don't belong to any organization; I vote the way I feel like.

Q. I don't ask you how you vote; I don't want to know that! A. I belong to an organization, yes.

Q. Do you know, Mr. Leach, that the people of New York vote for Emperor of the United States? A. I did not know there was an emperor.

Q. You did not know there was an emperor? A. No, sir.

Q. You know there was not an emperor? A. I do, yes; not in the United States.

Q. Not in the United States? A. No.

Q. Do you know who the boss of the United States is? A. The boss; no, I did not know there was any boss.

Q. Did you ever hear the word "boss" before? A. Oh, lots of times.

Q. Do you know who the boss of New York is? A. I have heard of him, yes.

Q. Who is he? A. Well, it used to be Mr. Croker.

Q. And who has succeeded to his place? A. I don't know.

Q. You don't know? A. No, sir; I don't know as there is anybody.

Q. You don't know if anybody has succeeded to his place? A. No, sir.

Q. Did you ever hear of the crime of seduction under promise of marriage; did you ever hear of that? A. "Crime of seduction under promise of marriage;" yes, sir; I have.

Q. Did you ever hear of the crime of burglary? A. Yes; sure.

Q. A good many prisoners have passed through your hands?
A. Yes, sir.

Q. Did you ever hear of the crime of forgery? A. Lots of it;
yes, sir.

Q. You know what forgery is, do you? A. I do; yes.

Q. Do you know what burglary is, do you? A. Yes.

Q. And you know what larceny is? A. I do.

Q. And you know who the boss of New York was; you know that, don't you? A. I don't know who was boss; we used to call him that; there is more than one boss.

Q. And having this wonderful fund of information, you do not know what the crime of perjury is? A. No, sir; I do not know; if you will enlighten me in it, I will give in; I don't know what the crime of perjury is.

Q. You have answered the Senator here that you do not know whether a man may be punished for false swearing? A. I know that.

Q. Do you believe in a God? A. I do; yes, sir.

Q. Do you go to any church? A. Not lately; no.

Q. Did you ever hear of the Ten Commandments? A. I did;
yes, sir.

Q. Which of the commandments forbids the giving of false testimony? A. I do not remember.

Q. Do you know that there is any commandment that forbids the giving of false testimony? A. There must be one of Ten Commandments.

Q. There must be; but you don't know whether there is or not? A. I can not just now bring it out.

Q. What is false testimony? A. I suppose coming up here and swearing to something that never happened.

Q. Or denying something that is true; isn't that false testimony? A. That must be; yes, sir.

Q. You know what a plain lie is, don't you? A. Well, yes.

Q. Well, if you take that lie under oath, what do you think it is then? A. Well, that must be perjury then.

Q. And if you commit perjury, do you know what will follow? A. Well, I suppose I would be arrested for it if found out.

Q. Arrested, and what would be done with you? A. If I was proven guilty, I suppose I would have to go to State prison, or somewhere else.

Q. What would become of your soul, if you believe in such a thing; do you believe in any future punishment or reward?

A. I do; yes, sir.

Q. Do you believe you would be punished if you took a false oath? **A.** I believe that; yes.

Q. Do you think you have got your intelligence to such a point that you can understand what taking of a false oath carries with it? **A.** Well, you have given it to me pretty plainly, I think; I know now what you are talking about.

Q. You think you know what I am talking about now? **A.** Yes, sir.

Q. That is the first time you have ever heard anything on that point? **A.** That is the first time I have had it.

Q. How much are you getting a month? **A.** About \$70 or \$75 a month.

Q. How much do you make from the prisoners generally? **A.** I do not know that I make any off of the prisoners.

Q. Let me ask you, are you prepared to swear now that you will not swear falsely here — what? **A.** I don't know.

Q. You don't know; have you made up your mind to swear falsely? **A.** I can not get into that question at all.

Q. We will withdraw that question; have you made up your mind to deny everything? **A.** No, sir; I have not; I am telling the truth.

Q. Have you made up your mind to tell the truth under oath? **A.** Yes, sir.

Q. Absolutely the truth? **A.** Yes, sir.

Q. How much do you make off the prisoners for letting them out into the corridor? **A.** That man that was on here never gave me a penny in his life for letting him out in the corridor.

Q. Did you ever let him out in the corridor? **A.** I let him out one night, in the night time.

Q. That is against the rules of the prison? **A.** Yes, sir.

Q. Why did you let him out in opposition to the rules of the prison? **A.** He said he was feeling bad.

Q. What right had you to let the prisoner out? **A.** I had no right at all.

Q. Did you take an oath of office when you were appointed? **A.** Not as I know of.

Q. You underwent the civil service examination, and you signed papers, didn't you? **A.** Yes.

Q. And you pledged yourself to obey all the rules of the institution, didn't you? **A.** I did; yes, sir.

Q. Why did you violate those rules by letting this man out because he said he felt badly? **A.** Because he felt bad, and I thought I would let him down for a little time; he was only down about 20 minutes.

Q. Was he the only prisoner you ever let down? **A.** That is all.

Q. The only one in all your experience? **A.** I don't know as I ever let anyone down.

Q. Will you swear you did not? **A.** I can not swear I did not, because I let a man down one time that was crazy.

Q. Outside of the crazy man and this prisoner here, did you let down any other man? **A.** Not that I know of.

Q. Have you got the whole truth now? **A.** Yes, sir.

Q. Don't move your head like an automaton; have you given all the cases you let men down into the corridor? **A.** I have; yes, sir.

Q. And you swear all you state is the truth, and you only let but one man besides the crazy man and Johnson? **A.** I let Johnson down one morning; he didn't pay me nothing.

Q. I didn't ask you that; your affective ignorance here is not at all conducive to your character, if you have any; I am asking you if you swear now as the truth that the only two men you ever let out of their cells to come in the corridor were that crazy man and the prisoner Johnson? **A.** I let them out every morning for an hour and a half.

Q. I know, but times at night, when it is against the rules of the prison? **A.** I don't let out anybody.

Q. Did you let out anybody except those two men you have mentioned?

Chairman Lexow.— You can answer that question.

Q. Will you swear those were the only two men you ever let out in opposition to the prison rules? **A.** I will not; no, sir.

Q. Isn't it a fact that you know you let out dozens and scores; will you swear now you did not?

Chairman Lexow.— Isn't that the general custom?

By Mr. Goff:

Q. Will you swear you did not let out scores of prisoners there, and that it has not been your practice to let them out on the corridor? **A.** I can not swear I let anybody out.

Q. Will you swear that you did not let them out, and it has not been your practice to let them out; will you? A. I will not; no, sir.

Q. No; you will not; can't you tell us how much money you have made in each month from giving privileges to prisoners? A. I, no, sir; I can not.

Q. You will not? A. I can not.

Q. You will not? A. No; I don't say I will not; I can not.

Q. Is it because you never kept an account? A. I don't keep no account.

Q. Is that the reason you can not tell us? A. No, sir.

Q. What reason is it you can not tell us how much money you received every month? A. I don't know as I receive any money.

Q. Will you swear you did not receive any money; now answer my question? A. I will not; no, sir.

Q. It is true you did receive money; now you can not deny it; on your peril you deny it? A. I would not deny it; of course, I have already said I did.

Q. You won't deny that fact? A. No, sir.

Chairman Lexow.— There are cases when he did, he says.

Q. Isn't it the custom among all the keepers there to receive money from the prisoners? A. Not as I know of; I don't know of anybody except what I did myself.

Q. That has been your practice since you have been there in the prison, hasn't it.

Senator O'Connor.— Answer up witness.

Q. That has been your practice hasn't it? A. No, sir; that has not been my practice.

Q. What time did you commence it? A. I don't know as I ever commenced it.

Q. When did you end it? A. I suppose I will end it now.

Q. Yes, I think you will; where did you —

Chairman Lexow.— This witness understands a great deal better then he wants you to believe.

Mr. Goff.— Certainly.

The Chairman.— Now you answer.

Mr. Goff.— He is not the Simon Simpleton he wants you to believe

The Witness.— I did not know what perjury was.

Chairman Lexow.— We will take care of that end of it. Now you answer up, or take the consequences.

By Mr. Goff:

Q. You mean to say you are the worst keeper in that prison?

A. I don't know about the other keepers; all I know is what I done myself.

Q. What interests had you in Penticost & Gatling? A. I had none.

Q. Did you mention their names to the prisoner? A. I never recommended them to that man.

Q. Or to any prisoner? A. No, nor to no prisoner.

Q. You are clear about that, are you? A. Well, certain, I am.

Q. You are certain about it? A. Yes, sir.

Q. You know if that is not true it is perjury; don't you know that? A. That is what you just told me.

Q. We tell you again; if that be not true, and we can prove that it is not true, have you nothing to say now? A. No.

Q. You never recommended the lawyers, Penticost & Gatling, to any prisoner; answer my question?

Senator O'Connor.—Answer up.

Q. Will you dare deny that you did not recommend to various prisoners the law firm of Penticost & Gatling as their lawyers?

A. I would not say that I did not.

Q. What interest have you in Penticost & Gatling that you go around recommending them to prisoners as their lawyers?

A. I have got no interest in anybody; one lawyer is as good as anybody.

Q. Why did you select those lawyers? A. I did not select them.

Q. You will not swear you did not recommend Penticost & Gatling? A. Certain, I told you I did.

Q. Why did you recommend Penticost & Gatling? A. Well, they came there once in awhile.

Q. Who comes there — Penticost? A. No, sir; I never see Penticost but three times in my life.

Q. His partner, Gatling, comes there once in awhile, you say; go on? A. When he has a prisoner, he comes there.

Q. What else? A. Nothing else that I know of.

Q. Nothing else? A. No, sir.

Q. My question was, what interest had you in the lawyers Penticost & Gatling to recommend them to the prisoners? A. I haven't any interest in them any more than any other lawyers.

Q. Why did you name them? A. If they —

Q. Stop; answer the question; why did you name them particularly to prisoners? A. I did not name them.

Q. Will you swear that you did not name them? A. I have already sworn I haven't named them.

Q. You swore you did? A. I swore I did name them as well as any other lawyer.

Q. What interest had you in them to name them, since you have sworn you did name them; what interest had you in them? A. I don't know as I had any interest.

Q. Why did you name them? A. As I told you before, I have named other lawyers.

Q. What other lawyers have you named? A. Any name came in my head.

Q. Tell us some that came in your head? A. I don't want to name any lawyers.

Q. Did you ever name me as a lawyer? A. No, sir; I never knew you until I—

Q. This is your first acquaintance with me? A. Yes, sir.

Q. And it is not a very pleasant one? A. Well, no.

By Chairman Lexow:

Q. Will you swear that you did not have any interest in naming that firm? A. I will; yes, sir.

Q. That you had absolutely no interest in it at all? A. No; none at all.

Q. And you swear to that positively? A. Certainly.

By Mr. Goff:

Q. Will you swear to that positively, the Senator asked you? A. I told the Senator I would.

Q. Tell us again; the stenographer did not get your answer down? A. I will.

Q. You heard Johnson's testimony? A. I did.

Q. You mean to tell the committee that testimony is not true? A. I mean to tell you that is not true; he never gave me a penny in his life.

Q. Did Johnson mention Gatling or Penticost to you? A. No, sir; he mentioned House & Friend, and I told him they were good men.

Q. Why did he say he had seen Gatling, that you insisted upon his seeing him? A. He did not tell the truth.

By Chairman Lexow:

Q. You mentioned Gatling's name? A. I says to him; I said, "You know Gatling & Penticost are good men;" and he says, "Yes."

By Senator O'Connor:

Q. How did you come to say that to him; he did not ask for any advice? A. Yes, sir; he did; he asked me who would be a good man to get; I told him as long as he had these two men they were the best he could get.

By Mr. Goff:

Q. What two men? A. House & Friend.

Q. How did Gatling's name come in? A. I don't know how it came in.

Q. You mentioned it to him? A. He mentioned it to me.

By Chairman Lexow:

Q. How, after he had said to you that he had House & Friend as his lawyers, did you come to mention Gatling's name to him as a good lawyer? A. I don't know, sir.

Q. You said you did a moment ago? A. When he asked me to get them for him.

Q. He told you before he had Friend & House, didn't he? A. He told me he had House & Friend, and then he says —

Q. What reason impelled you to tell him afterward about Gatling when you knew he had House & Friend? A. Because he asked me about them himself.

Q. He asked you about House & Friend, didn't he? A. He asked me about Gatling & Penticost.

Q. Didn't you say a moment ago that you had suggested Gatling's name to him? A. Not until he asked me to get them for him.

Q. How could he ask you to get Gatling before he knew anything about Gatling? A. He did know all about him; he was there before, and knew all about him.

By Mr. Goff:

Q. If he knew all about them why did he want to know about him from you? A. That is what he said to me; he says, "Does

Gatling come here yet?" and I said, "Yes," I said, "Who have you got?" and he said, "House & Friend;" and I said, "You could not do better;" that is the way that conversation came in.

Q. Did you ever hear of keepers getting a share of the fee that lawyers obtained from cases recommended to them; did you ever hear of it? A. I did hear it.

Q. And that is common rumor around the prison; isn't it? A. Yes.

Q. And all the keepers understand that, don't they? A. I don't know, sir, whether they do or not.

Q. From whom did you hear that certain lawyers divided with the keepers? A. I heard that when I was in the Tomb.

Q. It was the rule there, was it not? A. Well, yes.

Q. It was the rule there; the rule in all the prisons in the city, isn't it; is not that the truth; isn't it the rule in all the city prisons that certain favored lawyers have access to the prisoners in order to get fees from them, and that they then divide the fees with the keepers; isn't that the truth? A. All lawyers have got the same privilege.

Q. I am not asking you that; now, isn't that the truth? A. I can not talk for anybody but myself.

Q. I am asking you the system in the prison?

By Senator O'Connor:

Q. That is the general understanding? A. That is the general understanding.

Q. And you have been in that position for seven years? A. Yes, sir.

Q. And you have understood that all through the seven years that this custom existed?

By Chairman Lexow:

Q. That is a fact; is it not? A. That is a fact.

Mr. Goff.—I think that is all with this witness.

By Senator Bradley:

Q. This witness, Mr. Goff, when you asked him what salary he got he said he did not know whether he got \$70 or \$75 a month; how many houses do you own? A. I don't own many.

Q. How many houses do you own? A. I don't own any.

Q. Haven't got any real estate? A. No, sir.

By Mr. Goff:

Q. How much did you pay for the flask of whisky for which the witness gave you \$1? A. Johnson never gave me \$1 for the whisky.

Senator Bradley.—Perhaps he would not pass it for whisky; was that the idea?

Q. Johnson swore here that he and his friend or companion gave you \$2 at different times, and that you brought in a small black flask of whisky, about a pint, I think he said; will you swear that he swore to an untruth? A. I will; yes, sir.

Q. You swear he perjured himself? A. I will not swear to that; I swear I did not give him any whisky.

Q. If you say he swore to an untruth, why are not you prepared to swear he perjured himself? A. How am I going to swear he perjured himself; I will swear I did not give him any whisky.

Q. And that he told a lie when he said you brought him in whisky? A. Why certainly he has told a lie when he said I brought him in whisky.

Q. Did you know that there was any whisky or beer brought into that prison at night? A. No, sir.

Q. Did you ever hear it? A. Yes, sir; I heard a man got discharged the other day for it.

Q. Was that the first time you heard of it? A. No, sir; it was not.

Q. And then it was after the testimony that has been brought out before this committee, wasn't it, when Warden Ledwith had that man discharged; do you remember that? A. Warden Ledwith did not know nothing at all about it.

Q. Answer the question; that is not the question?

By Chairman Lexow:

Q. Did this occur after the testimony here that Warden Ledwith gave this discharge; it did, didn't it? A. Which; this whisky?

Q. No; the discharge of this man for bringing in whisky? A. Yes, sir.

Q. Do you remember, in your experience as a keeper, any discharge for such a cause ever having occurred before? A. Never.

Mr. Goff.—I think we will discharge this witness for the present. You are discharged—what is the name of that official or keeper that stands at the foot of the stairs that Johnson describes as having a row with and threatening to beat him? A. I do not know; I could not see him; I was four flights up; why didn't he tell who he was.

Q. Who is generally stationed at the foot of the stairs? A. There is two keepers.

Q. Name the keepers that are stationed there? A. The deputy warden is there.

Q. What is his name? A. Mr. McDermott.

Q. What other keeper is stationed there? A. Mr. Sheehan is there, and sometimes Mr. McCluskey is there.

Q. One of the three is generally there at the foot of the stairs? A. No; they change around.

Q. I think, Mr. Leach, you say this is the end of your services with the commissioners of charities and corrections? A. I think the way you go at me it will be.

Mr. Goff.—I suggest to you, when you next apply for a public position, you apply for the position of civil service examiner; you would fill it eminently well.

Senator O'Connor.—How would you suggest to stop this practice? Why don't your Bar Association here bring those men up and make complaints to the court?

Mr. Goff.—I am not a Delphic oracle that I can answer all the questions of how we can stop these evils. We are trying to do it.

Morris Quinlan, called as a witness on behalf of the State, being duly sworn testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. I am connected with a brewery and running a liquor store at 138 Park Row.

Q. You run a liquor store at 138 Park Row and collector for a brewery; what brewery? A. C. P. Hawkins & Co.

Q. How long have you been running a liquor store on Park Row? A. About three weeks.

Q. Where do you reside? A. I reside at Hall's hotel.

Q. That is corner of Duane and Park Row—the old Sweeny hotel? A. It is a portion of it.

Q. Are you a married man? A. Yes, sir.

Q. And your family reside in Hall's hotel? A. No; on Broome street.

Q. Have you got a house there? A. I have got a floor.

Q. Wife and children? A. No family.

Q. Your wife resides there? A. Yes, sir.

Q. And that is your home? A. Well, yes, it is my home; you know I have not registered there; I have lived in Hall's hotel since I rented the liquor store, that is a little over two weeks.

Q. What other place; you had another place? A. One hundred and Fourteen Park Row.

Q. Where did you register? A. I was not in this district; I was in Broome street, the Third Assembly district.

Q. From the place your wife now occupies? A. No; a different place.

Q. Give us the place your wife now occupies? A. Three Hundred and Sixty-six.

Q. She occupies a suite of rooms there? A. Yes, sir.

Q. I don't wish to go into your private relations at all; we have no interest in them; I simply wanted to get your residence; where do you deem your residence now? A. Hall's hotel.

Q. How much rent did you pay for this liquor store on Park Row? A. One thousand six hundred dollars a year; that is \$1,400.

Q. How many men have registered from that hotel this last registration day? A. None, I don't believe; I don't think any.

Q. Will you swear that you don't know there have been men registered from that liquor store? A. I swear I don't know; I do not believe there has been any.

Q. Will you swear you have never heard? A. I don't know.

Q. Will you swear you never heard of men registered from that place? A. I swear I haven't heard.

Q. If I told you that 37 men have registered from your liquor store — ? A. That would not be right; I would be surprised; I have about 23 altogether there.

Q. Do you keep a register? A. Well, I got one, yes, a sort of one; I have not got time yet to keep a correct one; I am only there three weeks.

Q. What are those men you have got there? A. They work along shore principally.

Q. Have you a list of them? A. Yes, sir.

Q. Have you that list in existence with you? A. No.

Q. Who made that list? A. By my clerk.

Q. What is his name? A. McIntee.

Q. Is he with you yet? A. Yes; he is with me yet.

Q. Do you know that the Clerk McIntee gave a list of 37 or 38 voters to the policeman who had registered from your place?
A. No, sir; I don't believe he did.

Q. Did you ever hear he did? A. No.

Q. These 23 men, how long have they been with you? A. Since I have been in business, about three weeks.

Q. Did they all come in a body? A. No; on the register there before; they came in two or three nights the whole of them.

Q. The whole of those 23 men came in in two or three nights?
A. Yes, sir.

Q. And you took down their names? A. Yes, sir.

Q. When did you have, for the first time since you opened the place, beds in the house? A. I had beds from since I opened the place; the beds were there when I went in there.

Q. How many beds are in the place now? A. A about 45 or 46.

Q. Haven't you been putting in beds within the past two days? A. Extra ones I may.

Q. How many extra beds have you put up? A. I might have put up 15.

Q. Are you not in the act of putting them up now at the present moment? A. Not that I know of.

Q. Haven't you given orders? A. No, sir.

Q. Have they been completed? A. No; I have 46 beds, and only 21 or 22 lodgers.

Q. When did you put up the last bed? A. I can not tell you.

Q. Within three days? A. No, sir.

Q. Do you mean to say there was not bed brought in within the last few days? A. Every bed remains up; there has not been any put in.

Q. You are clear about that? A. I am certain there has not been a bed put up into 138 Park Row since I took the place.

By Senator O'Connor:

Q. I thought you said you put up 15? A. The beds were already there in the house.

Q. But were not up? A. Some of them were not up.

By Mr. Goff:

Q. Are they all up now? A. I don't think so; I have not been through the house.

Q. You haven't a hotel license? A. No, sir.

Q. You have a license for a liquor store? A. For lodging-house.

Q. Have you a permit for a lodging-house? A. No, sir.

Q. Have you a permit from the board of health for a lodging-house? A. No, sir.

Q. So here you have been keeping a lodging-house with 23 men in it, with 42 beds? A. Yes, sir.

Q. And you have been keeping those men there for the last three weeks? A. Yes, sir.

Q. And you have not a permit from the alderman to keep a lodging-house? A. No; my predecessor might.

Q. Have you made application to the board of health for a license for a lodging-house? A. No, sir; I have not made any.

Q. Answer my questions, and don't get wicked over it? A. I am not getting wicked; no necessity.

Q. Have you made application to the board of health for a permit to run a lodging-house? A. No, sir.

Q. Have you made application for a hotel license? A. No, sir.

Q. And you have been violating the law for the last three weeks? A. I don't think I have been; I don't think so.

Q. There is no entrance for your place to a lodging-house or hotel? A. No; only through the bar-room.

Q. How many floors are there? A. Two over the store.

Q. And all the beds are in different rooms? A. No; there is a big extension where there is beds also.

By Chairman Brown:

Q. How many rooms are these 23 beds in?

Mr. Goff.—Forty-two, he said.

Q. And 23 of them are being used? A. There is an extension; there is about 20 beds in one room.

By Mr. Goff:

Q. Will you swear that very one of those 23 men slept in that place last night? A. I will not swear that.

Q. Will you swear that those 23 slept in there the night before? A. No, sir.

Q. Will you swear that all 23 of those slept there one night? A. Yes, sir.

Q. Name any one night? A. I can not mention any one night.

Q. Is there anything to show they would sleep there one night? A. The beds are there and the registers are there.

Q. We don't want to examine your beds for the records? A. The list is down there; I did not keep regular books.

Q. When was that list made up? A. I guess it was made up the night they slept there.

Q. In whose possession is it now? A. In the clerk's possession.

By Chairman Lexow:

Q. Was it kept for a purpose? A. No, sir; I don't see what purpose I had.

Q. What do you mean, a list of one night? A. Yes, sir; for every night.

By Senator O'Connor:

Q. Do those lodgers pay every day? A. Every night.

Q. Then they have no permanent place at all; they are likely to go away the next day; do they make any arrangements for any definite time? A. Every night they pay, and Saturday they pay for two nights; they get paid every day down to the dock.

By Mr. Goff:

Q. They don't make any arrangement for the week? A. The bed is kept for a particular man.

Q. The bed is kept for a particular man? A. Yes, sir.

Q. Name who; name one man for whom the bed is kept, one man? A. There is a fellow named O'Leefe and Sullivan; there are two or three Sullivans living there, I think.

Q. Where do they work? A. Work down on the dock of the Fall River line, I guess.

Q. Isn't there a payment made every night for the night's lodging? A. Yes, sir.

- Q. Ten cents a night? A. Fifteen cents a night.
- Q. Is that the common charge? A. Yes.
- Q. Have you rooms upstairs at five cents? A. No, sir.
- Q. Haven't made any arrangement for that? A. No, sir.
- Q. You are a captain of the political organization of that district, are you not? A. No, sir; I have not resided there, except three weeks ago.
- Q. You have been a captain? A. No; never.
- Q. You are worker? A. Yes; for the organization.
- Q. You are a worker then? A. Yes.
- Q. Have you any sign outside of your lodging-house? A. No; not yet.
- Q. Have you any sign there of it as a lodging-house? A. No; I have given an order.
- Q. You say this list is in McIntee's possession? A. Yes, sir.
- Q. And McIntee is over there? A. No; not now, I guess.
- Q. Is there anyone over there? A. There is a bartender there.

By Chairman Lexow:

- Q. What is his name? A. Jeremiah Sullivan.
- Q. Is the list accessible to him? A. No.
- Q. Why not? A. He has nothing to do with it; he attends bar.
- Q. Isn't the list somewhere where he can put his hands on it? A. No; I don't think so.
- Q. Where is the list? A. In the clerk's possession; he is there nights.
- Q. What does he do with it when he gets through the work? A. I guess he carries it around.
- Q. He keeps this list on pieces of paper he keeps in his pocket? A. Yes.
- Q. Do you swear to that? A. Yes, sir.

By Senator O'Connor:

- Q. Who takes the pay from these men? A. The night clerk, and passes it to the bartender.
- Q. Do they render an account of it? A. Yes, sir; I get an account of it.
- Q. Don't they hand you a list of the payments when they hand it over? A. No; I don't pay much attention to the place; I am connected with the brewery; I am running the place anyway.

for a trial; I have nothing to do with the place; I am running it for the Star Brewery Company.

Q. And do you turn this rent you get for these beds over to this brewery? A. I paid a month's rent for the place when I first came in there; that is all I paid.

Q. All you received is your own profit; the amount paid for these beds by the lodgers? A. Yes, sir.

Q. What is the reason you do not run it? A. They own the place.

Q. You paid the month's rent for it? A. Yes, sir.

Q. And you hired it for a month? A. Yes, sir.

Q. And you commenced taking these lodgers? A. Yes, sir.

Q. And they paid you? A. Yes, sir.

Q. Why don't you get this list from the clerk when he comes to you in the morning? A. I take his word for the money.

Q. If you take his word for the money, what is the necessity of his keeping an account of it? A. I am likely to look over it

By Chairman Lexow:

Q. Do you? A. No.

Q. You never did? A. Yes; I did; I might look over it at any time; that is the reason they keep a list; but I do not pay much attention to the business.

Q. Because it is only a temporary business, isn't it? A. No, sir; I ran it three years ago, and nobody took it, and I came back.

Q. This lodging is all temporary, isn't it? A. No, sir.

Q. You don't expect to keep that up after the 7th of November, do you? A. Yes, sir; the brewery intends to lay out about \$2,000 or \$3,000 upstairs for me.

By Mr. Goff:

Q. For you? A. Yes, sir; the estimates are in for the fixtures with the Bavarian Star Brewery.

Q. Are the estimates in for the number of men that can be voted on election day? A. No.

Q. You say these men have been permanent lodgers in your place for three weeks? A. I do not believe there has been a man registered from my house.

Q. Will you swear that there was no list of names given to the policeman? A. I will not swear that.

Q. You have stated to-day that McIntee has not been in your place for two months? A. McIntee?

Q. Yes; your clerk? A. He has not been in that place for two months.

Q. Listen to me; you heard my question; listen to me; you are not running a lodging-house now; you will answer my questions here and not by a shake of your head; I don't want you to repeat my question in order to get time to answer either? A. I will take time, anyhow, to answer.

Q. No; you won't take your own time; you will take our time to answer the questions.

Chairman Lexow.— You will answer with reasonable dispatch or get into trouble.

Q. Will you swear that you did not to-day say to two men that this clerk of yours, whose name you have mentioned, has not been in your place for two months? A. I will swear I did not.

Q. Why did you refuse those men leave to go up and look at your rooms? A. Because, I did not think they had any right to come to my place; if they had authority I would leave them; I don't intend to leave anybody in that hasn't this authority.

Q. If you have nothing to secrete why do you object to anybody going into a public lodging-house? A. Nobody has a right except the lodgers.

Q. Why do you object, a licensed lodging-house keeper, a man that is violating the law every day and night? A. I don't know that I am, the Bavarian Star Brewery man made an arrangement to rent the lodging-house.

Q. Didn't you know it was necessary to obtain a permit for a lodging-house from the board of health of this city? A. I did not know it; but this gentleman that came and asked me for Mr. McInerney and not for my clerk; that is the gentleman that ran the place before me.

Q. What was the name of the clerk? A. They asked for Mr. McInerney; he ran the place before me.

Q. What name did you give? A. I gave McIntee my clerk; they asked for Mr. McInerney; he ran the place and his name is over the door yet.

Mr. Goff.— Will the district attorney please come here. I want to see you if you please.

Q. Did you ever run a lodging-house before? A. I ran that place about three years ago.

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Q. Ran it as a lodging-house? A. Yes, as a lodging-house.

Q. Did you have a permit then? A. No, sir.

Q. Did you run any other lodging-house? A. No.

Q. You say here that you never ran a lodging-house in South street, then? A. No, sir.

Q. What was that, a saloon? A. I never ran a saloon in South street.

Q. You say now, and you repeat that you did not know it was against the law to run a lodging-house in New York without the permit of the board of health? A. I did not run a lodging-house there then.

Q. You have been running a lodging-house for three weeks? A. I don't consider it a lodging-house.

Q. What is it? A. A hotel.

Q. Did you have a hotel license? A. No, sir.

Q. Did you know before you ran a hotel you would have to have a license; didn't you know that? A. No; there are lots of hotels that haven't got hotel licenses; I mean there are hotels and no licenses attached to them, and no bar-room connected with them.

Q. Name us one? A. The St. Clair in Park Row; that has not a bar-room in connection with it.

Q. Give us the number of it? A. I don't know.

Q. Between what streets? A. Between Pearl and Chambers.

Q. On which side of the street, east or west? A. West side.

Q. The St. Clair; who runs the St. Clair? A. I don't know.

Q. How do you know it hasn't a license? A. I didn't see any bar-room; I don't know about the hotel license.

Q. How do you know it hasn't a license? A. I don't know; I don't know whether a hotel license is from the excise board, or whether it is a license from the board of health.

Q. You said here that you were not the only one that ran a hotel without a license, that there were several others that ran a hotel without a license; you have named the St. Clair; why did you mention that? A. I don't know that it hasn't a license.

Q. Why did you say it? A. I don't know whether he has a hotel license.

Q. Why did you say it if you did not know? A. It was my impression; I think I can rent a furnished-room house at any place without a license; that is my opinion.

Q. I am not asking for your opinion; I am asking for facts; now I ask you again will you swear that those 23 lodgers

have been in your house every night and slept there since you opened it? A. I would not swear that the whole of them have been there since I opened.

Q. Or at any one time? A. Well, I swear there have been 23 lodgers at one time since I opened.

Q. And the same men? A. The same men.

Q. You swear it? A. I swear there would be 23 there one night; I could not swear to the same men, because I am not there; I will swear there has been 23 men in my house at one night, that is all I will swear to.

Q. You won't swear that they were the 23 men that came there three weeks ago? A. No, sir.

By Senator Bradley:

Q. Will you swear there has been 23 men slept there? A. I swear there has been 23 men slept there, and there has been 30 slept there one night.

By Mr. Goff:

Q. Where is McIntee sleeping? A. In the house.

By Chairman Lexow:

Q. How do you know he is not in there now? A. I don't think he is in there now; I guess he is out.

Q. Why? A. I sent him with a message uptown.

Q. Where did you send him? A. I sent him to the Bavarian Star Brewing Company.

Q. According to your best judgment he is either there at the Bavarian Star Brewery or on his way back at this time? A. Yes, sir.

By Mr. Goff:

Q. Do you know this, that any person who aids and assists another person to register falsely or vote falsely is guilty of a felony? A. I know that, yes.

Q. You bear that in mind; will you swear that you did not take this house and put up those beds, or have them put up, for the purpose of aiding fraudulent registration from that house? A. I swear I did not; I came there to make a living and try to stay there.

Q. You have not answered my question; is it any part of your intention to afford shelter or accommodation to any person who intends to register fraudulently from your house? A. No, sir.

Q. Or to vote fraudulently? A. No, sir.

Q. And you say not a man has voted from your house? A. I did not say voted — registered; I say I don't think a man has registered from my house, 128 Park Row.

By Chairman Lexow:

Q. Will you swear no list has been given to the police containing the names of 37 people as intending voters from your house? A. I say there is no list to my knowledge given to the police of 37 names.

By Mr. Goff:

Q. Haven't the police visited your place to ascertain how many lodgers there were? A. I heard so.

Q. That has been under the orders of Superintendent Byrnes recently? A. Yes, sir.

Q. Have they visited your place? A. They have; my bartender has told me.

Q. What is his name? A. Sullivan is the bartender; he told me that somebody was in the house the night before and 21 names he gave to the police.

Q. In writing? A. Yes, sir.

Q. The night before? A. He gave them to the police.

Q. Twenty-one names? A. Yes.

Q. You spoke about 23 names? A. I said there were 23 in the house.

Q. Can you say the 23 names he gave to the police are the names of men who commenced to lodge with you three weeks ago, and have continued since? A. I do not know what names he gave; I have not got a book.

Q. You never intended to start a book? A. Yes, sir; I have the books there, and laid there for a week and not written on them.

Q. Why didn't you use them? A. I have been neglectful.

Q. Have you kept any writing at all? A. I keep slips.

Q. And those slips are in the possession of the clerks? A. Some of them, I guess.

Q. You go from this courtroom and bring that clerk and those slips over here? A. If the clerk is not there I can not fetch him.

Q. You have got to bring those slips? A. I will fetch the slips.

Chairman Lexow.—We will have somebody go with you.

By Mr. Goff:

Q. You have no objection to the sergeant-at-arms of this committee or his deputy, going into your place? A. I will allow nobody unless he has authority.

Q. Why? A. I do not want anybody to go through my house unless he has got authority.

Q. Your house consists of two rooms? A. It consists of eight or ten rooms; two floors.

Q. What objection have you to the sergeant-at-arms going through your house? A. I do not want anybody in my house unless he has authority.

Chairman Lexow.—Mr. Goff is asking you to give the necessary authority. Unless you have got something to conceal—A. I have nothing to conceal in my house.

By Mr. Goff:

Q. You are willing to go upon this record in this way that you refuse admission to the sergeant-at-arms to the Senate in whom you must have every confidence that he is not going to disturb or destroy your property, going into your house to see whether or not your statement is borne out by the facts? A. I will allow nobody, unless he has authority.

Q. And you won't give that authority? A. No.

Q. We will get the authority to go into the house whether you like it or not? A. All right, sir.

Mr. Goff.—You subpoena the captain of the precinct, and we will see whether you like it or not.

Q. It is the captain of the Oak Street station-house, is it not? A. No; the Sixth precinct.

By Chairman Lexow:

Q. Do you know, witness, how many others there are in the same general line of business in your vicinity? A. I don't know, sir.

Q. Do you know how many lodging-houses of the same character are in existence in your vicinity? A. I don't know how many; I know there are lots of them around.

Q. You know there are lots? A. Yes.

Q. Of the same general plan? A. I don't know; I don't know how they are conducted; I never go into their houses.

Q. Don't you know how others conduct their's? A. No.

Q. How many; approximate as nearly as you can how many similar houses are there in that precinct? A. I don't know of any.

Q. A moment ago you said you knew there were a great many; now which is true; your statement now, or your former statement? A. I don't know how the houses are run; I know I can open a place in Park Row or any other place as a lodging-room house without any license.

By Mr. Goff:

Q. In whose name is the license of that place? A. The brewer's place, Mr. Bommel, the head brewer.

Q. He has an interest in it? A. Certainly; it is their place.

Q. Then you are not proprietor of that place? A. I am simply running it for the brewery.

Q. Are you the proprietor? A. I am the lessee; no; I own nothing in the place.

Q. Are you paid a salary? A. No.

Q. How do you live? A. I am put in there simply to run it.

Q. How do you live? A. I am put in there to run the place.

Q. How do you live? A. On the profit.

Q. How do you get the profit? A. On the bill.

Q. Then you are not employed by the brewery, are you? A. No; I am not employed by them; I am simply put there to run the place.

Q. You are your own boss? A. No; they can throw me out any morning.

Q. You simply have that place while they sell you beer; isn't that so? A. Yes, sir.

Q. They have got a mortgage on that place? A. Yes.

Q. And the license on the place is not in your name? A. It is in the brewery's name; it is in the name of the man I mentioned.

Q. That man himself does not go there and sell or conduct the business, does he? A. He goes there two or three times a week.

Q. Does he go there and sell, and conduct the business? A. No.

Q. Who takes in the money and receipts? A. I take in.

Q. And the receipts from the lodging-house, you take it in?
A. Yes, sir.

Q. And yet you are running that place in the name of another man; are you running that place under another name? A. I am running it for Mr. Bommel; he has given me the profits of the place; he could not make it pay.

Q. You say you are the boss and you take in the profits? A. He has given me the profits.

Q. You take in the profits? A. Yes, sir.

Q. And you have a right to employ your own bartender? A. Yes, sir.

Q. And your own clerk? A. Yes, sir.

Q. And the money for the lodging-house you take in? A. Yes, sir.

Q. Now, we will let you go and look for those slips? A. All right; I am only running that store for Mr. Bommel.

Chairman Lexow.—I think I would serve a subpoena duces tecum on the witness.

Mr. Goff.—I wish to say to you that the district attorney of this county has sent men to State prison and the penitentiary for such things as your house gives evidence of.

The Witness.—There is no evidence of anything wrong in my house.

Q. Were you there last year? A. No, sir.

Q. Where were you last election? A. Corner of Broome and where I live.

Q. Do you know how many men voted from your place, 138 Park Row last election? A. I don't know; I know I wish I was not down in that district; I have no idea.

By Chairman Lexow:

Q. Can you name any other one house in that immediate vicinity of the same character as your place? A. No, sir; not what I know; I don't go through any in my district; I do not know how they are: I am on the outside, and don't pay any attention.

Q. What do you mean by you were on the outside? A. I am connected with the brewery.

Mr. Goff.— Now there is a subpoena duces tecum. That is a subpoena for you to bring those slips here and all other records or books, and that blank-book you have that you have not written in. Bring them here immediately on the reassembling of this committee after recess; do you understand; and if Mr. McIntee is in your house he is wanted here too.

The Witness.— All right, sir.

Chairman Lexow.— All witnesses under subpoena for this morning will attend here again at quarter of 3. The committee will stand adjourned until that time.

AFTERNOON SESSION.

October 16, 1894.

Present.— Senators Lexow, O'Connor, Cantor, Bradley and Pound.

Chairman Lexow.— Will you call your next witness, Mr. Goff.

Mr. Goff.— Is Mr. Quinlan here?

Morris Quinlan, resumed the stand, and examination continued.

By Mr. Goff:

Q. Have you brought those slips with you, Mr. Quinlan?
A. Well, I have fetched one of them with me; that is all I got.

Q. Why didn't you fetch the whole of them? A. I couldn't find them; I don't know where they are; I guess there are torn up; I didn't keep an account of them.

Q. When did you last see then? A. About three or four days ago, I guess.

Q. In whose possession? A. I found them in one of the drawers.

Q. In whose possession did you see them? A. In nobody's possession; in the drawer.

Q. In whose handwriting is this? A. In the clerk's handwriting.

(The paper was marked Exhibit 1 of this date.)

Q. What book had he there? A. That is the book I told you of; there is nothing written in it; you asked me to fetch it.

Q. Let me look at it? A. (Handing Mr. Goff book) There is nothing written in it, sir.

Q. When did you buy this book? A. That book was bought about two weeks ago.

By Chairman Lexow:

Q. About two weeks ago? A. Yes, sir.

Q. That was a week before you started in to take these lodgers? A. I want to tell you something, Mr. Goff; any of those people that are registered from my house will lose their votes, because my house will start in to be fixed up to-morrow; any of those people that are registered from my house will lose their votes.

Q. Has that light come upon you during recess? A. No, sir; if you will communicate with the Bavarian brewery you will see how long the estimate is in to fix up the place.

By Senator Bradley:

Q. When did you find out that there were any people registered from your house? A. I don't know that there is; I say, if they are registered they will lose their vote.

Q. Why do you make that assertion, if they are registered? A. If anybody has, because my house is liable to be closed up; we are going to fix it up.

By Mr. Goff:

Q. This slip of paper which you present here contains the register or list of the names of those who stopped in your lodging-house on October 2, 1894; is that so? A. Yes, sir.

Q. I find the first name is Joe McIntee; is that your clerk? A. That is the clerk.

Q. Can you state if the names, 20 in number here, have been staying at your house ever since? A. I don't know, sir.

Q. Now, isn't it a matter of fact that the men have been frequenting your house are what we call "night lodgers;" for the night, isn't that so? A. For the night?

Q. Yes? A. Yes; but they —

Q. Answer my question and don't be so ready to give us your opinion or what you intend to say; and they paid 15 cents every night; they paid 15 cents every night before they could get a bed? A. Yes, sir; sometimes I hang them up; they haven't got the 15 cents.

Q. Well, it is the same thing; they either have to pay the 15 cents, or you give them credit—hang them up, as you say, for the 15 cents; isn't that so? A. Yes, sir.

Q. You don't serve any meals in your place? A. No, sir.

Q. And you don't know from one night to another the number of men or the men who may frequent your place? A. I don't know from one night to the other.

Q. There is no man who has been frequenting your place who has taken up a regular lodgment by the week? A. Yes; there is one man pays weekly.

Q. Who is he? A. There is one man pays weekly; his name is—there is one man pays weekly. ,

Q. Who is it? A. His name is not even on that slip; he pays by the week; I can find out. ,

Q. This slip shows the number of men that went in on that night and paid 15 cents; isn't that so? A. That is so, sir.

Mr. Goff.—Have you any questions to ask, Senators.

Chairman Lexow.—No; that is all, witness.

Chairman Lexow.—Mr. Moss called my attention to a statement made this morning in reference to the police commissioners trying or disposing of cases where brutality was charged against individual members of the force. I didn't mean the statement that I made to imply that there was any obligation on the part of the police commissioners not try that class of cases at once. On the contrary, it seems to me that it ought to be their duty to try cases of that description, and get rid of a man of that kind at once. ,

Senator Bradley.—That was the point I tried to bring out, that it was a breach of discipline, the trial of which would have no interference with our investigation at all, that is, so far as the investigation of corruption is concerned.

William C. F. Berghold, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are a captain of police in this city? A. Yes, sir.

Q. Commanding the Sixth precinct at the present time? A. Yes, sir.

Q. Within the limits of your precinct are the premises 138 Park Row? A. Yes, sir.

Q. Do you know anything about those premises? A. I do not.

Q. You are aware that there are a number of lodging-houses in your precinct? A. Yes; there are a great many.

Q. You are aware, of course, that these lodging-houses can not exist unless they have a permit from the board of health? A. Yes, sir.

Q. And you are aware, no doubt, as a captain of police, and as an old policeman in this city, that you, as captain of that precinct, have a right to go into any lodging-house in that precinct? A. Yes; I have a right.

Q. You have the right, clear? A. Yes, sir.

Q. Under the Consolidation Act, you have; now, a house that is receiving lodgers and harboring them over night without a permit from the board of health, or without a licence from any constituted authority, do you regard that the proprietor of that house is violating the law? A. Now, as far as inquiring after the license and the keeping of lodgers, I have never made that my business, because the board of health has its squad of about 40 men, and I was under the impression they looked after it themselves.

Q. But you, as captain of police, are charged by your oath of office and your duty, to see that the laws are enforced within your precinct? A. Yes, sir.

Q. And if it be brought to your knowledge that a house is entertaining and harboring lodgers over night without having a proper license from the board of health or any other constituted authority, do you regard it now as your duty to prevent that house from continuing to violate the law? A. I should notify the board of health; I think it would be my duty to notify them.

Q. Precisely; now, it has been stated in evidence here to-day by a Mr. Quinlan, who runs a house at 138 Park Row, that for the last three weeks he has been receiving and harboring lodgers from night to night, 23 in number, differing every night; do you know anything about that house? A. All I know is that on October 6th that I made a copy of what he had in his house.

Q. Have you the copy? A. I have the original copy made in pencil.

Q. From what did you take the copy? A. I didn't go myself; it is Officer Larkin; he took it from the register, I presume;

he was instructed what to do; of course, I couldn't make the copy myself. (Witness handed Mr. Goff paper.)

Q. I understand that, captain; there are 22 names here; that is on October 6th? A. Yes; the officers are instructed to copy every name who had been there previous to that date, and every new man up to 12 o'clock that night; those were the instructions they got.

Mr. Goff.—I will take at random these names, as a matter of illustration, gentlemen, from the list taken on the 6th of October by the police officer.

Q. From the book, did you say? A. From the lodging-house register, I presume.

Q. You don't know, of your own knowledge? A. No, sir; Officer Larkin.

Mr. Goff.—I find Joseph McIntee. That is present on both lists; that is, the list that the officer has taken, and this slip that the lodging-house proprietor has produced here. I find the next name is William Sadlier on the lodging-house keeper's list, and it is on the captain's paper too.

Dan Sullivan; that name is on both lists.

Costigan; that name is on both lists.

Mulligan; that name is on both lists.

Kane; that name is on both lists.

Keegan; that name is on both lists.

Maybury; that name is on both lists.

O'Connell; that name is on both lists.

George Washington is on both lists.

There are two Daniel Sullivans on both lists.

John Daly is on both lists.

Connelly is on both lists.

Jeremiah Sullivan is on both lists.

Connors is on both lists.

Galvin is on both lists.

Neary is on both lists.

James Sullivan is on both lists.

Quinlan is on both lists. That is the proprietor.

There are three names that are on the captain's list that are not on the lodging-house keeper's lists; but the most remarkable thing about it is that on the list furnished by the captain, taken by his officer from some record in the lodging-house, the full Christian names are set out. On the list furnished by the

lodging-house keeper there is no Christian name set out; all initials.

Q. Can you tell us, captain, how the officer succeeded in getting the full names of these persons in the lodging-house while the list from the lodging-house shows only the initials? A. I can not tell you.

Q. You have a right to go into this house and see whether the law is violated or not? A. Yes, sir.

Mr. Goff.—I ask you, on behalf of this Senate committee, to go into that house now, the proprietor having refused our men permission, and to take with you our deputy sergeant-at-arms, and report here your examination of that house and its condition.

The Witness.—Yes, sir.

Chairman Lexow.—The captain knows the point, does he, what we want to get at.

Mr. Goff.—Yes, sir. The question of interest, captain, is as to the beds; when they were put up, how they are put up, whether they are in the act of putting up beds now or not, or information which will let us know whether the beds were put there only within a few days. We wish you to make a thorough examination.

Chairman Lexow.—The general surroundings, captain, is what we want to get at; whether or not you can say from looking at the premises whether the whole thing is a temporary makeshift for purposes of registration.

The Witness.—Yes, sir.

Mr. Goff.—Furthermore, captain, according to Mr. Quinlan's own testimony, he has been running that place as a lodging-house, taking 15 cents a night from those lodgers without authority of law. I want you to see whether or not that is done with impunity in your precinct, or whether or not there are lodging-houses in the precinct doing the same thing.

The Witness.—I shall do it to-morrow.

Chairman Lexow.—But can you not make the examination in reference to this one now?

The Witness.—Yes, sir; immediately.

Mr. Goff.—And report here, if you please.

The Witness.—I will do so immediately.

Morris Quinlan.—Mr. Goff, I will not allow anyone to go in there but the captain.

Mr. Goff.—Take the stand, Quinlan.

Morris Quinlan resumed the stand:

Examination by Mr. Goff:

Q. What did you say in the court-room; we want to have a record of your words? A. I stated that I would not allow nobody to go in my place except the captain, who has authority, the police captain.

Q. Why will you not allow anyone to go into your place except the police captain? A. Well, I don't see that anybody has a right to go in there.

Q. Has there been a murder committed in your place that you are afraid will be discovered? A. No, sir.

Q. Are you harboring thieves? A. No, sir.

Q. Is there any evidence of crime in your place that you are afraid of the discovery of? A. No, sir.

Q. Then why do you object to anybody going in there, if you are an honest man? A. Well, I don't want anybody but the captain of police, who has authority.

Q. You are here under the imputation of planting men in your house for purposes of registration? A. There is no evidence that I have been doing that.

Q. I am not asking you what the evidence is; I am telling you what the imputation is; in view of that, if you are an honest man, why do you object to anyone but the police captain going in there? A. For the reasons I stated.

Q. Why? A. I won't state any reasons for it; I will allow nobody in but the man who has authority.

Q. Why won't you give your reasons then? A. I will give no reasons.

Q. Why? A. I can keep anybody out of my place without authority.

Q. But it is a public place and you are accused of violating the law? A. Well, I am allowing a police captain to go in there if I am violating the law.

Q. Why do you refuse anybody else; is there any understanding between you and the police captain? A. No, sir; the gentleman, I don't believe, knows me.

Q. Why do you refuse if you are an honest man? A. I am allowing the captain of police to go in there.

Q. You are allowing the captain? A. Yes; I guess he has authority to go in there.

Q. You are allowing the captain, indeed? A. He has authority.

Q. Then you are not allowing him; I will put the question again to you so as to get it on the record; why do refuse to allow anybody to go into your rooms except the captain of police? A. They have no business there; that is the only ground.

Mr. Goff.—Well, we will see about it. Captain, you do your duty as you understand it, as a police officer.

The Witness.—Well, I have a right to be at my house—

Mr. Goff.—I am not addressing you now. Captain, this committee sends with you a deputy sergeant-at-arms of the State of New York. He is an officer the same as you are. You are an officer of the peace, and if any violence or obstruction be offered to the deputy sergeant-at-arms, an officer of this Senate committee, you know your duty, and we will hold you to a strict performance of it. You may go, Quinlan.

John D. McLaughlin, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are Captain McLaughlin, are you not? A. No, sir.

Q. I don't mean a police captain; you have a military title of captain, have you not? A. No; I was a private.

Q. You were a private in the army, were you? A. Yes, sir.

Q. Well, I beg your pardon; I didn't want to deprive you of your title; you were a high private in the army of the United States? A. Yes, sir.

Q. What regiment? A. Third United States.

Q. Where did you serve? A. Fort Hamilton, New York harbor.

Q. How long? A. Five years.

Q. All the time there? A. No; I was in Fortress Monroe, Virginia.

Q. Where did you enlist? A. Boston.

Q. Where were you first drafted? A. To Fortress Monroe, Virginia.

Q. Immediately after you enlisted in Boston? A. Yes, sir.

Q. When did you enlist in Boston? A. On the 20th day of April, 1875.

Q. Have you got your discharge papers with you? A. Certainly.

Q. Let me look at them? (Witness handed Mr. Goff paper.)

Q. Now, you say you enlisted in Boston? A. Yes, sir.

Q. And you were drafted immediately from Boston to Fortress Monroe? A. Yes, sir.

Q. In what branch of the service did you enlist? A. Third United States Artillery.

Q. Who was the colonel commanding your regiment? A. The colonel that commanded there was Colonel Barry.

Q. Who was the captain that commanded the troop, the battery that you belonged to? A. Lorraine, that battery.

Q. I am asking you the first time you went to Fortress Monroe? A. Lorraine.

Q. Captain Lorraine? A. Yes, sir.

Q. Do you know his Christian name? A. No, sir.

Q. How long did you serve in that battery? A. One year.

Q. What was the letter of the battery? A. A.

Q. Battery A? A. Yes, sir.

Q. And you served one year in Fortress Monroe? A. That is what I said.

Q. Captain Lorraine was the captain commanding? A. That is what I said.

Q. Can you give us the names of the other officers of the battery? A. Postley was one; he was the lieutenant.

Q. Do you know his first name? A. No.

Q. Any other officer? A. There is another one; I forget his name.

Q. What was the name of the sergeant? A. The sergeant?

Q. Yes? A. He was — one of them was McTeal.

Q. What grade? A. Sergeant.

Q. Sergeant-major or color-sergeant? A. Williams was the first sergeant; McTeal was the second.

Q. Can not you give us their first names? A. No, sir; it is so long since, I forget it.

Q. Eighteen hundred and seventy-five; it is less than 20 years? A. Yes; but I don't think of every man's name, the first and last name for 20 years.

Q. I am not asking you for every man's name; I am asking you for the names of the commissioned and non-commissioned officers of the troop; can you give us any other names? A. Any others?

Q. Yes? A. There was one named Burns.

Q. What was he, a sergeant? A. A sergeant.

Q. Can you think of his Christian name? A. No.

Q. Any other? A. There was another one; I forget his name.

Q. There are four sergeants in a battery? A. Yes, sir.

Q. Have you ever been in the military service in any country before? A. No.

Q. How long had you been in America when you enlisted?

A. A little over two years; it might be three; I couldn't tell; between two and three years.

Q. Can you name me any private, any comrade soldier who had been on duty with you in that battery who is now living?

A. There is one used to drive on Broadway on the cable cars, served with me at Fort Hamilton.

Q. What is his name? A. Dwyer.

Q. Where is he now? A. I couldn't say; I could find out from his brother-in-law.

Q. Who is his brother-in-law? A. Roundsman Conlon.

Q. How long ago is it since Dwyer was on the Broadway cars? A. About two years.

Q. Can you give me the name of any other man who served with you this first year at Fortress Monroe? A. Mullins.

Q. Where is he? A. The last I heard of him he was driving a coal cart on the east side.

Q. Any other name, the name of any man with some definite address, some definite place of abode? A. I don't know of any here.

Q. Any in any other town or city? A. I didn't take any of their names or addresses.

Q. What part of the fort in Fortress Monroe, what section of the square, were your quarters in? A. It was most westerly.

Q. The most westerly, the whole wing? A. Well, there was only one battery in each; there was a different building for each battery.

Q. How near the post trader's place, or canteen-man were your quarters? A. About — it was less than a quarter of a mile.

Q. Was that inside or outside of the fort? A. It was inside.

Q. Now, after you served the year at Fortress Monroe where did you go to? A. To Fort Wadsworth.

Q. To New York harbor? A. Yes, sir.

Q. Was your company transferred there? A. No.

Q. Or your battery? A. No, only so many men.

Q. So many men from Battery A? A. Yes, sir.

Q. What regiment? A. The Third.

Q. Artillery? A. Yes, sir; you have it on that discharge.

Q. I am speaking to you without your discharge; what officer commanded you in the transfer from Fortress Monroe to Fort Wadsworth? A. There was no officer.

Q. What non-commissioned officer was in charge? A. There was none.

Q. Was there not some soldier in charge? A. There might be one picked out to act as land-corporal.

Q. Don't you remember who it was that acted as land-corporal? A. His name was — let me see — his name I forget; well, he was afterward made color-sergeant of the regiment; I will write to the army and navy and get you that information, Mr. Goff:

Q. By what route did you go from Fortress Monroe to Fort Wadsworth? A. The Old Dominion.

Q. The Old Dominion line? A. Yes, sir.

Q. How long did you remain in Fort Wadsworth? A. May be three months.

Q. Three months? A. I couldn't say.

Q. Who was the officer commanding there? A. Major Gibson.

Q. Who was the officer in command of you; he was in command of the fort? A. Major Gibson was in command of the fort.

Q. Wasn't there an officer in immediate command of you? A. Captain Warner.

Q. How long did you remain at Fort Wadsworth? A. About three months.

Q. In what year was that? A. That was in 1876.

Q. What part of 1876? A. About April or May.

Q. April or May, 1876? A. Yes, sir.

Q. Where were you moved from from Fort Wadsworth? A. I went with a company to the centennial.

Q. How long did you remain at the centennial? A. Until it was closed.

Q. What officer was in command of the company? A. Captain Warner.

Q. Where did you go after leaving the centennial? A. Fort McKinley, Maryland.

Q. Who was in command there? A. He was colonel of the Second; I forget his name.

Q. How long did you remain at Fort McKinley? A. May be three months; I couldn't say.

Q. Where did you go from Fort McKinley? A. To Fort Hamilton.

Q. Who was in command at Fort Hamilton? A. Lieutenant Colonel Ayres.

Q. Who was in immediate command of you? A. Captain Warner.

Q. How long did you remain at Fort Hamilton? A. Until the expiration of my term.

Q. Until the expiration of your term? A. Yes, sir.

Q. The expiration of your term of five years? A. Yes sir.

Q. Did you serve your full term? A. Why, certainly; that paper —

Q. Never mind about that paper; did you serve your full term? A. Yes.

Q. No question about that? A. No question at all about it, Mr. Goff.

Q. I don't want you to remain under a cloud of injustice — A. All right, sir; that is what I came here for.

Q. I want to give you every benefit; if my information has been based on a falsehood I want it to be brought out; I want to give you an opportunity to be righted; was there anything done with the discharge papers that you have received from the time that they were issued by the commanding officer who had a right to sign it? A. Was there anything done with them?

Q. Yes? A. No.

Q. Any erasures made? A. No.

Q. Any name scratched out? A. No.

Q. Or names inserted? A. No.

Q. Absolutely? A. Absolutely.

Q. Are you a married man? A. Yes.

Q. Did you marry after you left the service? A. Yes.

Q. When did you leave the service? A. April 30, 1880.

Q. And this discharge here that you have brought here is the discharge granted to you? A. Yes.

Q. Who was the captain that signed it? A. It was Captain St. Clair; he was in command; the colonel was away.

Q. When did you joint the police? A. The 8th of May, 1882.

Q. You presented this discharge at headquarters when you made application for appointment as a police officer? A. Certainly.

Q. You presented it to Gen. Baldy Smith? A. Yes, sir.

Q. You knew that General Baldy Smith was very much in favor of appointing ex-soldiers to positions on the police force?

A. Yes, sir; that was the reason I was recommended.

Q. That is the reason you were recommended; it is very proper officer; did you say anything to any person about your discharge, any changes having been made in it? A. No, sir; that will tally with what is in headquarters; I never seen the papers until I seen them up there, and they are copied from that.

Q. I am not questioning the headquarters record at all; that is not what I'm after; that is your signature. (Paper shown witness.) A. Yes, sir; that is it.

Q. And you swore to that? A. Why, yes.

Q. The questions are asked and answered: "Have you been in any military service? A. Yes, in the army of the United States. Q. Were you honorably discharged? A. Yes." Those answers were true when you made them? A. Why, certainly.

Q. On the face of this discharge there appear to be several erasures with words written over them, both in the body of the discharge and the signature of the commanding officer who signed it; can you tell us whether that is accidental or how those erasures came there? A. There is no erasure ~~can~~ there at all that I can see.

Q. Look at the signature of the officer? A. It is very plain, sir, and very correct.

Q. The signature is all right? A. The signature is all right.

Q. But look at the title there? A. The captain was absent.

Q. Was there not an erasure there over which that name is written? A. Well, the captain was absent at the time the lieutenant signed this; the lieutenant signed this, and the captain was absent, and he erased the captain's name and put his own on it.

Q. But this says "Captain, Commander?" A. Captain, Third battalion.

Q. Third artillery? A. Certainly the captain is in command.

Q. Now, Captain St. Clair was the captain? A. No; Captain St. Clair was in command of the post, not the battery, because the colonel I told you, was away.

Q. Well, you said a moment ago that the lieutenant signed this discharge? A. The lieutenant signed it at the bottom, Postley; he commanded the battery.*

Q. What I want to get at is the erasure; look at where the captain's title is there; can you explain that? A. I can explain to you, sir, what that is, that it was the captain was in command in place of the major, and that in the place of him being commanding the battery he was commanding the post.

Q. It says there, captain of the Third artillery; it doesn't say he was captain commanding a post? A. If you think there are any erasures made in this, Mr. Goff, I will write to Washington and get you a duplicate copy.

Q. Officer, you will have an opportunity to place yourself in a proper position; I will be very frank in stating to you that information reaches me that that is forgery, a fraudulent discharge paper; that you were never in the army of the United States; that you acknowledged before you were put on the police force that you were making use of a fraudulent certificate, and that the name of the genuine soldier that was on the certificate was erased and your own inserted? A. Don't that give my name—

Q. What have you to say to the information that I now give you? A. I say it is all a lie.

Q. Every word of it? A. Every word of it.

Q. I want to deal justly with you officer; only if such an extraordinary thing as that had occurred, I think it would interest not only this Senate committee, but every honest soldier in the United States, and I will be glad if you are able to prove that that is a falsehood? A. I am able to prove it.

Q. I sincerely trust that you are, officer; were you ever in the hospital? A. No, sir.

Q. Never reported on sick-list? A. No, sir; not even since I have been on the police.

Q. You look a fine, healthy, strong man; what doctor examined you for admission into the service? A. I don't know his name; never asked him.

Q. Are there any other incidents in the service which you have not mentioned to me, and which you can rely upon to prove the falsity of this information which has come to me? A. You can write to Sedgewick Pratt, the quartermaster of that regiment, and he will explain to you that I was his teamster; that I was the quartermaster's teamster; drew extra pay for that all along.

Q. What post? A. Fort Hamilton.

Q. You say you served under an Officer Postley? A. Postley.

Q. Was he a private? A. No; a lieutenant.

Q. What sort of a looking man was Postley? A. A man about your build.

Q. Dark or light complexion? A. Very light.

By Chairman Lexow:

Q. What was the sergeant's name? A. The sergeant's name at Fort Hamilton was Willis; first sergeant.

Q. And down at Fortress Monroe? A. His name was Willis.

By Mr. Goff:

Q. Is McLaughlin your name? A. Yes, sir.

Q. Was it your father's name? A. Both my father and mother's name.

Q. Is it pronounced differently in your native country from what it is here? A. That is the way I always spelled it; it is the way I spelled it when I went to school in Ireland, when I was a boy.

Q. Were you told by any person when you were about applying for a position on the police force, that you were running a great risk in using a forged discharge from the army? A. No, sir.

Q. Did you ever hear anything about a fraudulent discharge? A. No, sir; only what I have heard here now.

Q. This is the first you have heard of it? A. Yes, sir.

Patrick McLaughlin, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What relation are you to the officer who has just left the witness-stand? A. A first cousin.

Q. Did you know him before he arrived in America? A. Yes, sir.

Q. Do you remember when he arrived in America? A. Yes, sir.

Q. When did he arrive? A. He arrived in June, 1876.

Q. In June, 1876? A. Yes, sir.

Q. Did you see him shortly after his arrival? A. Not for about from 1876.

Q. No; how soon after his arrival did you see him? A. About three years after his arrival.

Q. I mean how many days after his landing here did you see him? A. I didn't see him when he landed; I went to meet him at Castle Garden, but he was gone to Worcester, Mass.

Q. You were aware of his coming, were you? A. Yes, sir.

Q. By letters? A. Yes, sir.

Q. Had you been in correspondence with him? A. No; not exactly with him.

Q. With whom? A. With the rest of the family, older than him.

Q. Your family and his family were close neighbors, were they, in the old country? A. Within two miles, or so.

Q. That is a short distance? A. Yes, sir.

Q. And the relationship continued between your two families over there which you have stated? A. Yes, sir.

Q. You knew this officer as a boy? A. Yes, sir.

Q. Went to school with him? A. No, sir.

Q. Well, you knew him as a boy? A. I knew him since he was born.

Q. You say you went to Castle Garden to meet him? A. Yes, sir.

Q. And that you failed to meet him there? A. He was gone; himself and a young fellow named Spellman.

Q. Spellman? A. Yes, sir; that is the only account I got there of him.

Q. Gone to Massachusetts? A. Yes, sir.

Q. How shortly after that did you see him? A. I saw him in 1880.

Q. That was in 1876? A. In 1876.

Q. You say he arrived in 1876? A. I say he arrived in June, 1876.

Q. And you didn't see him until June, 1880? A. No, sir.

Q. Did you hear from him in the meantime? A. Yes, sir.

Q. Where was he? A. In Worcester, Mass.

Q. Did you learn from his letters what business he was in? A. He never wrote a letter to me, but I heard from him.

Q. Through what means or channel? A. Through acquaintances.

Q. Did you hear or learn what business he was following? A. Yes, sir.

Q. What business? A. In a coal yard.

Q. In 1880, you say you saw him here in New York; is that so? A. Yes, sir.

Q. Has he resided in New York ever since? A. In New York and Brooklyn.

Q. What business did he go into when he arrived in New York? A. He did not do anything for a while; he boarded at

420 Fifty-sixth street and I lived at 949 Eighth avenue; he went around looking for work, advertising.

Q. He what? A. He advertised for work; he was looking for a light job.

Q. That is a good thing for a big man to look for, a light job? Yes, sir.

By Chairman Lexow:

Q. Is a police job considered a light job? A. Well, I don't know, sir.

Mr. Goff.—He is not a policeman, so he can not tell.

Q. Is that the general idea in the community, that it is a light job? A. Seems so; there are a great many looking for it.

By Mr. Goff:

Q. Did he get a light job? A. Yes, sir.

Q. What sort of a job did he get? A. I understood he got a job in Long Island, with a farmer, driving a team of mules.

Q. How long did he remain at that occupation? A. He was there about two years, I think, to the best of my information.

Q. What next did he do? A. He left there and he came and advertised for a porter.

Q. In New York? A. New York.

Q. Yes? A. And he got a job between Twelfth and Thirteenth streets on Broadway; I forget the name of the hotel, but it was a man named Merritt that run it.

Q. Between Twelfth and Thirteenth streets on Broadway? A. Yes, sir.

Q. That was the hotel? A. Between Twelfth and Thirteenth streets on Broadway.

Q. How long did he remain there; do you know? A. He remained there near two years.

Q. What did he do next? A. Well, he come to me one time in 1881, about the middle of 1881, and he says, "I have a notion of going on the police force;" "Are you," I says; he says, "Yes;" "How will you get on?" "Oh, I will get on;" he says, "Well, you have got no friends here to put you on."

Q. You said to him? A. Yes, sir; "Oh, I will get on," he says, "What way;" "Well, I will get a discharge," he says, "Pretend I was a soldier in the regular army, and I will get on through Baldy Smith with that;" "I says, "That is a dangerous trick;" I says to him, "A very dangerous trick; I wouldn't take

that block of houses and do that," said I; "Oh, I will be all right," he says; "Well, look out for yourself," says I; so a week or so after that he came to me with this discharge.

Q. Came to you with a paper? A. Showed me the discharge, and I says, "Well, I wouldn't do that for this world to-day, but notwithstanding he went down to Commissioner Smith with it and he went right on with it.

Q. Was there anything said about it being found out? A. Sir?

Q. Was there anything said between you about its being found out, about the change of the certificate? A. Yes, I told him if it ever were found out it would be a bad thing for him.

Q. What did he say? A. He said nothing; he laughed at me.

Q. Was there anything said about any erasure upon the face of the discharge? A. I looked at the discharge, and I saw to the best of my opinion that there was a name erased off it and his name wrote on it.

Q. Have you told us all the conversation touching his discharge? A. What?

Q. Have you told us all the conversation that you had with this officer relating to this discharge? A. Yes, sir; as far as I can remember.

Q. Have you ever spoken to him since his appointment on the force in relation to this discharge? A. Oh, yes.

Q. What have you said to him? A. He said there were plenty of them crooked on the police as well as him.

Q. Plenty of them crooked on the police as well as well as him? A. Yes.

Q. What crookedness did he refer to? A. I don't know sir; that is the answer he gave me.

Q. What conversation brought up that remark? A. There was some man on trial I think.

Q. Some policeman? A. Some policeman on trial, and I believe he was discharged, and he got telling me about it, and I commenced to laugh; I said, "You be careful;" he laughed it away.

Q. "You be careful?" A. I says, "You be careful too."

By Chairman Lexow:

Q. Did he justify to you his act in using this fraudulent discharge, as you claim, on the ground that there were other people that were crooked on the police force? A. Yes, sir.

By Senator O'Connor:

Q. Have you ever had any difficulty with this man? A. Yes, sir; a little.

Q. When? A. After him being on the police about four months.

Q. What was the difficulty? A. About a little money I gave him.

Q. You loaned him money? A. Yes, sir.

Q. How much? A. One hundred dollars.

By Chairman Lexow:

Q. For what? A. To help him to buy uniform with.

By Senator O'Connor:

Q. And he refused to pay you? A. He brought it to me in a check, and didn't indorse his name on the check; I says, "Why didn't you indorse that check;" "Well," he says, "Give it to me and I will give it to you the next time I am off;" I didn't mistrust his honesty; I gave it to him at that time; he never brought it to me since, nor my \$100 I never got yet.

Q. You feel unfriendly to him since then? A. I asked him about it about three weeks after; he said, "I put it in a safe and the safe was busted and it was stole;" I have been after him since; I took him before Commissioner McClave; Commissioner McClave told him to pay me; he said he wouldn't, he didn't owe it to me.

Senator O'Connor.—Let me see this discharge. This is a pretty serious charge.

Chairman Lexow.—There are two distinct charges, either of which would amount to 15 or 20 years in State's prison.

By Chairman Lexow:

Q. You understand that the testimony you have given here amounts to a charge of two crimes against this man, either one of which would send him to State prison for from 15 to 20 years? A. I don't know the penalty.

By Senator O'Connor:

Q. You know that if you are telling an untruth you may be sent to State's prison yourself? A. Yes, sir; but I never told an untruth in my life.

Q. Have you had unfriendly feelings towards your cousin ever since? A. I never spoke to him since.

By Chairman Lexow:

Q. How long have you been on these unfriendly terms with your cousin? A. About five or six years.

Senator O'Connor.— Mr. Goff, is not this man susceptible of being identified by the officers of the company in which he claims to have served.

Mr. Goff.— Yes.

Senator O'Connor.— It is a case that ought to be traced down, and either one of these two men will go to State's prison.

Mr. Goff.— If Mr. McLaughlin, upon the witness stand has imposed on this committee, of course he understands the penalty.

Witness.— Yes, sir.

By Mr. Goff:

Q. You have sworn to a certain state of facts in relation to your first cousin? A. Yes, sir.

Q. Now, you are aware that if they were proven untrue you would be guilty of perjury and you would be likely to be sent to State's prison? A. Yes, sir.

Q. You are aware of that? A. Yes, sir.

By Chairman Lexow:

Q. And that malice of that kind would send you there for the longest term that the court could impose? A. Yes, sir.

By Mr. Goff:

Q. You understand that what you have stated here against Officer McLaughlin is a thing of a serious nature; you understand that, don't you? A. Yes, sir.

Q. And if you have stated here an untruth, you understand that you may be punished for that untruth by a long term in State's prison? A. I haven't told an untruth.

By Chairman Lexow:

Q. But you understand that? A. Yes, sir.

By Mr. Goff:

Q. What is your occupation? A. I am a night watchman.

Q. Have you been influenced at all by the feelings that you have against your cousin on account of this \$100 debt; have you been influenced in giving your testimony here? A. Yes, sir.

Q. Have you stated the exact truth under oath? A. I have, sir.

Q. Are you prepared now to say, upon all the facts and from the times you have related here, whether or no your cousin ever served five years in the army of the United States? A. He never served a day in it.

By Senator O'Connor:

Q. (To Officer John McLaughlin.) McLaughlin can you produce your commanding officers to identify you? A. Yes, sir; and Officer Smith of the steamboat squad.

By Chairman Lexow:

Q. (To witness.) Is it possible, witness, that your cousin might have come here before, that this was his second trip that you speak of to the United States and that he came here in 1860 or 1861, that you didn't know about it? A. Eighteen hundred and sixty-one?

Q. Yes; the time of the war? A. He was not here in 1861.

By Mr. Goff:

Q. Do you know what ship your cousin came on? A. No, sir; I forget the name of the ship.

Q. Will you fix the date as nearly as you can recollect when you went down to Castle Garden in June, 1876? A. I think it was about the 10th or 12th of the month; to the best of my opinion it was the 10th or 12th of the month.

Q. What month? A. June, 1876.

Q. How do you remember it was June? A. I will tell you how I remember it; I was going to go to Chicago, and I heard that he was in Castle Garden, and I went down to see him, and when I went down there I heard that he went to Worcester, Mass.

Q. Then you know it was June from the fact that you intended to go to Chicago that month? A. Yes, sir; I went that month.

Q. You went in the month of June to Chicago? A. Yes, sir.

By Chairman Lexow:

Q. Is there any possibility, witness, of your being mistaken? A. No, sir.

Q. During the time that you say your cousin was in Massachusetts, might he not have been in the army? A. No, sir.

Q. Isn't there any possibility of that? A. No, sir; I got letters right along; I heard him say he never was in the army.

Q. You remember distinctly that he came to you and said that he proposed to get his appointment on the police force by the aid of a fraudulent discharge? A. That is right.

Q. And he used the word that that was a fictitious discharge or a fraudulent discharge at the time that he spoke to you about it? A. Well, I understood that it was; I told him that I wouldn't present that charge to Baldy Smith for a block of houses.

Q. What did he say that discharge was? A. He said it was a discharge from the regular army.

Q. How did he call it a fraudulent or a false discharge? A. He was working at the hotel.

Q. How did he speak of it? A. A discharge from the regular army.

Q. Of somebody else? A. He told me that a bunco-steerer brought it up from Fort Hamilton to him.

By Senator Pound:

Q. Did he say that he bought it; did he say that he paid anything for it? A. No, sir; he didn't speak about paying anything at all.

By Chairman Lexow:

Q. Is he the kind of man that plays practical jokes on other people? A. No, sir.

Q. Has he ever played a joke on you before? A. Yes; he took a revolver from me that I paid \$8.50 for.

Q. That is not the kind of a joke I mean; has he tried to deceive or fool you in any other manner than this? A. Not as I recollect.

Q. You know what a practical joke is don't you? A. Well, I think I do.

Q. Has he ever tried to play a practical joke on you, make a fool of you? A. Yes; he is kind of jolly that way.

Q. Has he ever tried to make a fool of you? A. No, sir; he couldn't make a fool of me.

Q. He couldn't? A. He made a fool of me once when he got my money.

By Mr. Goff:

Q. You are a married man, are you? A. I am.

Q. A man of family? A. Yes, sir.

Chairman Lexow.—It looks to us, Mr. Goff, after a careful examination of that paper, that the only change in it is the name of the commanding officer; not his name, but his rank.

Mr. Goff.—Yes, the rank.

Senator O'Connor.—The name of McLaughlin don't seem to be erased at all. The whole thing may have been a forgery. It is very easy to get the commanding officers of this company and it would send McLaughlin to States prison if he is guilty.

Mr. Goff.—I do not wish to state an opinion against the genuineness of this paper until I have examined it. Of course, it may be possible that a man named McLaughlin got a discharge from the regular army. It may be that this is the man, and it may be that he is not. If we take this witness' testimony, he is not the man. Of course, McLaughlin is a common name, and there may have been many men discharged from the army under that name.

Senator O'Connor.—McLaughlin, where did you enlist?

Officer John McLaughlin.—Boston.

Senator Bradley.—There are a great many McLaughlin's in Brooklyn?

Mr. Goff.—Yes, there are.

By Mr. Goff:

Q. Have you given your residence? A. Yes, sir.

By Chairman Lexow:

Q. What is your motive, your object, in coming on the witness stand here and giving the testimony you have given? A. I come of my own free will, sir.

Q. In the interest of good government, do you mean? A. Yes, sir; I believe in a good honest government too.

By Senator O'Connor:

Q. Have you any idea of trying to get even for that \$100? A. I am trying to tell the truth.

Q. You were asked if you did it in the interest of good government; is there any purpose in relation to your testimony to get even on account of the \$100 you say your cousin cheated you out of? A. No, sir.

Q. Do you mean to say that that has been no active motive in your testimony here? A. I don't understand exactly what you mean.

Q. You mean you have not been entirely influenced by any feelings of resentment, do you? A. No, sir.

Mr. Goff.—I conversed with this Patrick McLaughlin in the presence of his lawyer, a reputable member of the New York bar, and it was through that lawyer that I became acquainted with this fact. Then I arranged that I should see this man in his office, and this lawyer declared to me that he had examined him very carefully before.

John D. McLaughlin resumed the stand and further testified:

Senator O'Connor.—McLaughlin, it is very well for you to know this. The original offense, if committed, is barred by the statute of limitations; but if you have committed perjury here you can be sent to State prison.

Witness.—There is no mistake on my part.

Senator O'Connor.—The original offense is outlawed, if any, but the perjury which you commit here to-day, if you have committed any, you may be sent to State prison for.

Witness.—There is no perjury committed here. This man exclaims that he seen this paper. He is a man that can neither read or write, because I made out his bills for him where he was watchman all his lifetime; and in regard to his lending me money, he never gave me \$1 in his life, because he never had it to give. It was the reverse. He borrowed off me at one time. One time when I went down town to pay a brother's passage of his, he told me he would pay for it, but he never did. Another time, an aunt was dead, and he accompanied me to the undertaker's, and he never paid one cent of it. I paid it all.

By Mr. Goff:

Q. We are not interested at all in any quarrels or misunderstandings that may have been between you and your cousin. All that is before this committee is whether or no your cousin's statement is true? A. It is not true.

Q. And whether or not such a fraud could be committed, not only on the police department, but on the army of the United States? A. No such fraud could be committed.

Q. If it turns out so, that your cousin has wrongfully and falsely sworn against you here, why, of course, the law will visit

its penalty on him? A. I am glad of it, sir; he has been trying to sue me right along.

By Senator O'Connor:

Q. You know it is very easy to get the commanding officers of this company here, and send you to State's prison if you are committing perjury? A. Yes, sir.

Q. Who was the man that accompanied you to Worcester, Mass.? A. There was no one.

Q. What ship did you go on? A. The ship Egypt, of the National Line; and I had a bank account in Worcester, Mass., in 1873.

By Mr. Hoff:

Q. Let us see? A. I brought the money there by express from here to buy a house with.

Q. You testified that you arrived here in 1872? A. Eighteen hundred and seventy-two or 1873; I think it was 1873; I will correct that if I said 1872; the Egypt, of the National Line, in 1873.

Q. You did go to Worcester, Mass.? A. Yes, sir; all alone by myself.

Q. How long did you stay in Worcester? A. Until the time of that enlistment.

Q. That was when? A. Eighteen hundred and seventy-five; April 19th or 20th.

Q. Then you went from Worcester, Mass., to Boston? A. Yes.

Q. And you enlisted in Boston? A. Yes.

Q. Do you know the name of the soldier that enlisted you? A. No, sir.

Q. Where in Boston were you enlisted? A. I forget the street that the recruiting office is on.

Q. Were you ever in Boston since? A. I might have been there two or three times; different times.

Q. The day that you enlisted, where did you go after your enlistment? A. I went to Fort Monroe, Virginia, after the enlistment.

Q. On that very day? A. No, may be it might have been three or four days after; may be a week.

Q. Where did you remain in the meantime? A. Where the rest of the men remained.

Q. Where? A. In a house that was rented for that purpose.

Q. In Boston? A. In Boston.

Q. Can you tell us the name of any man that was with you during those three or four days? A. Well, no; they all went to different places when we came on to Governor's Island.

Q. Was there any man that came down to Fortress Monroe from that squad but yourself? A. Oh, yes; a man named Moore, and Lawrence.

Q. Were they drafted into the same company? A. No, sir.

Q. Or battery? A. No, sir.

Q. Different batteries? A. Yes.

By Senator O'Connor:

Q. Do you know the name of any of the men that served in the same company with you? A. Dwyer, who was driving a car, and a man named Trumbull.

Q. Where does Trumbull live now? A. He lives in Jersey, but he is in Governor's Island, in the ordnance department.

Q. Employed there? A. Yes, sir.

By Mr. Goff:

Q. Where were your quarters at Fort Hamilton? A. Inside the fort.

Q. Where is the officers' mess there? A. The officers live outside the fort.

Q. Where is the officers' mess in Fortress Monroe? A. They live inside the fort.

Q. Where is their mess? A. In their own families; in their own houses.

Q. Isn't there an officers' mess there? A. No, sir; every officer keeps their own servant if they are married, and if they are single they can get their meals where they like.

By Chairman Lexow:

Q. How long were you in Fortress Monroe? A. One year I explained.

Senator Bradley.—He gave a detailed statement of every day he was in the these different places; gave an account of all the places he was in for the five years.

By Mr. Goff:

Q. You have been in the artillery for five years? A. Yes, sir.

Q. Describe to this committee a gun in all its parts, with the name of the parts and the method of loading, unloading and cleaning? A. It is known by the muzzle, the breach, the vent; you can load by the numbers or without the numbers; but I explained to you that I was the quartermaster's teamster.

Q. But you were in the artillery at Fortress Monroe? A. Yes, sir.

Q. And at that fort in Maryland? A. Yes, sir; a very short time.

Q. Three months? A. That was the time of the big railroad strikes; they were moving all over then.

By Chairman Lexow:

Q. What railroad strike? A. One thousand eight hundred and seventy-six; the year of the Centennial in Philadelphia.

Senator O'Connor.—The time they burned up so much of Pittsburgh.

By Chairman Lexow:

Q. Where was the strike? A. I was at one strike in Mauch Chunk, Pennsylvania, and I was at Keyser, West Virginia.

By Mr. Goff:

Q. Give us the words of command that are issued by the commanding officer for the loading of a gun for firing? A. By the numbers or without the numbers.

Q. Give us by the numbers first? A. "Load, one, two, three, four, ready, fire."

Q. Now without the numbers? A. "Load, ready, fire."

Chairman Lexow.—Either this man is a consummate actor, or he was in the artillery.

Mr. Goff.—Certainly.

Chairman Lexow.—And I don't believe that he is a consummate actor.

Witness.—You can write to Captain Warner.

By Senator Cantor:

Q. Where is his address? A. You can get his address from the Army and Navy Journal.

By Chairman Lexow:

Q. Did you ever play any practical jokes on your cousin? A. No, sir; but he played them on me; borrowing money of me and refusing to pay me back.

Q. Did you ever say to your cousin that you were going to use a discharge that was not an honest or honorable one for the purpose of getting a position on the police? A. No, sir; never made any such statement.

Q. Did you ever show that discharge to your cousin, and say it was not a discharge of yours, and say it was a discharge of another man? A. No, sir; he is a man that can not read or write, and what is the use of showing it to him.

Q. I just want to put you down on the records with reference to him? A. Yes, sir.

Q. Did he ever say to you that he wouldn't use a discharge of that kind for a row of houses? A. He never made any such expression to me.

Q. Did he say that the use of that certificate or discharge might entail serious consequences upon you? A. He never did, sir.

By Senator Bradley:

Q. Did he ever make any threats to you of vengeance, that he would get square with you? A. Yes, sir; he went to Lawyer Finlan, 261 Broadway—

Q. That isn't it; did he ever make any threats that he would get square with you? A. No, sir; not to me personally.

By Senator O'Connor:

Q. Did you ever hear of his having made any threats to anybody about doing you any injury? A. He went to Lawyer Finlan to say that he would go before the police commissioners and swear I was not five years in the country, and he would get me off if I wouldn't give him \$500.

By Senator Bradley:

Q. You are satisfied that he is your first cousin? A. Certainly.

Q. Were his father and your father brothers? A. No, sir.

Q. Your mother and his father were brothers and sisters? A. Yes, sir.

By Senator O'Connor:

Q. How do you know that he can not read and write? A. I made out his bills for him.

Q. Did you ever see him write his name, or whether he has recently learned? A. If he can write the day of the week he recently learned it.

Senator O'Connor.—This is a very extraordinary case.

By Mr. Goff:

Q. You see your cousin writing now, don't you? A. Let me see the writing; let him write the day of the month and the day of the week.

Patrick McLaughlin, resumed the stand and further testified:

By Mr. Goff:

Q. Your cousin has sworn that you couldn't write your name? A. Yes, sir.

Q. Here you have just written; is that your handwriting. (Paper shown witness.) A. That is my handwriting.

Q. I hand this paper to you at random; will you read that article there; I don't know what it is, where my thumb is. (Paper handed witness.)

Chairman Lexow.—Just give him the discharge. A. (Witness reading.) "The A. P. A. has captured the United States mails from Washington; its documents have been sent around the community—"

Senator O'Connor.—He can read, there is no doubt about that. Senator Bradley.—He can both read and write

By Senator O'Connor:

Q. How long have you been able to read and write? A. When I was at school I could write, but I forgot the most since I left school.

By Mr. Goff:

Q. You didn't study how to write your name, or how to read since you left school, did you? A. Yes, I read the newspapers

By Chairman Lexow:

Q. Just take that paper; to-day is the 16th day of October; put down "Tuesday, 16th of October." (Paper handed witness.)

A. No; I can not write that; I only told you I could write my name.

Q. Are you willing to go on record that you can only write your name? A. Yes, sir.

Q. But you can read writing? A. Yes; a little; I can read my own name.

Q. Can you read that discharge? A. No, sir.

Mr. Goff.—He can read the print in the newspapers.

Senator O'Connor.—Yes, he can read the print in the newspapers.

Mr. Goff.—If you direct the stenographer to write out at once the minutes in relation to this matter, between these two men, we will see and clear it up.

Senator O'Connor.—What we want to get at more particularly is whether the police department can be imposed upon by false discharges.

Chairman Lexow.—I think it is only fair to the officer to say that the opinion of the committee, as expressed up to this time, is not against or disfavorable to the patrolman.

Mr. Goff.—The patrolman in this case occupies precisely the position or situation that every patrolman does in the city of New York, so far as this committee is concerned. The practice of this committee has been that it has never directed its efforts against any individual, and whenever a patrolman has come here and shown himself to be a man worthy of belief, this committee has evidenced that belief.

Chairman Lexow.—And has gone out of its way to try and prove it.

Mr. Goff.—Yes, has gone out of its way; and I voice the sentiments of this committee, and reiterate them so often expressed, that there has never been an intention on the part of the committee or counsel, to what is called, pound the police in this city, that their efforts have been completely and absolutely directed against a system which, to a great extent, has oppressed the patrolmen of this city and the force. There are many honest and honorable men on the force; and I hope that Officer McLaughlin will be able to show, for his own sake, that his cousin is greatly mistaken.

J. Lawrence Kearney, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Did you serve a subpoena upon a man known as The. Allen?
A. I did, sir.

Q. When? A. Ten minutes to 1 to-day.

Q. When was that subpoena returnable? A. I told him to be here at 2:30; it was marked 10:30, but I says the session will commence in the afternoon at 2:30; he says, "I will be there;" it was at P. J. Kelly's saloon, corner of Bleecker and South Fifth avenue.

By Senator O'Connor:

Q. Is he not here? A. He doesn't appear to be.

Mr. Goff.—We subpoenaed Commissioner Dalton to-day for the purpose of being present in this court room to hear certain testimony which we wished to introduce, and which affects his department. Commissioner Dalton has been called away by the illness of his sister; so we have the secretary of the board here.

Mr. Goff.—This is George Alexander, who testified before this committee, and who was hounded away from his saloon. He is here only to act as an interpreter.

George Alexander, was duly sworn by the committee to act as an interpreter.

Mr. Goff.—Mr. Chairman and gentlemen, the examination of the witness I was about to produce will necessarily be slow, owing to the percolations through the interpreter, and inasmuch as it is near 4 o'clock now and Captain Berghold is here, I would ask leave to take this witness up to-morrow morning and to examine Captain Berghold now in relation to this lodging-house. I wish to put Henry Van Glahn under oath until to-morrow, gentlemen. He is connected with this Grecian case.

Henry Van Glahn, a witness called on behalf of the State, was duly sworn by the Chairman.

The Chairman.—Witness, you will not be examined to-day. Come here to-morrow morning at half-past 10 o'clock. In the meantime do not allow anybody to speak to you with reference to any matters under investigation by this committee. You understand you are now a witness under oath, a witness of this committee, and that you are bound to obey the orders of its

chairman, representing this committee. Be sure that you do not allow anybody to speak to you, or do not speak to anybody.

Senator Bradley.—If anybody does, you let us know to-morrow.

William C. F. Berghold, was recalled by the committee, and further testified:

Examined by Mr. Goff:

Q. Did you visit the premises 138 Park Row? A. Yes, sir.

Q. In company with a messenger from this committee? A. Yes, sir.

Q. Did that bouncing proprietor object to his entrance with you? A. He did not, sir.

Q. Describe to the committee the premises, what you have seen and observed there? A. Well, there are 26 beds in there, such as they are.

By Chairman Lexow:

Q. How many? A. Twenty-six; there are some on the ground floor and rear of the saloon; I think there are 15 of them.

Q. Ground floor? A. Right in the rear of the saloon.

By Mr. Goff:

Q. How large is the place or the apartment where there are 15 beds? A. The place is large enough to accommodate 15 beds; they are in two rows with a passageway in the center.

Q. What is the distance between each bed and its neighbor? A. Plenty; sufficient; a man could dress and go to bed quite handily.

Q. How are these beds? A. They are old dilapidated iron bedsteads; some with iron springs, and some are not; some few had clean sheets on; that is all.

Q. Did you notice the rust and cobwebs on them? A. Yes, sir; plenty dirt, upstairs in the second and third floors; there are a few in the second floor right over the saloon, and the balance are in the third floor; they are in worse condition than on the first floor.

Q. In worse condition? A. Yes sir; it looks like a temporary affair.

Q. Did you notice the condition of the house; the roof of the house, for instance, and the roof of this extension? A. That is apparently in a bad and leaky condition, because I saw some

water on the floor; he claimed while I was there, that he is going to alter the place, and all hands would have to get out; that the contract was given out now.

Q. How about the appearance of the place as to having been used? A. Some of stairs appeared to have been used, but those on the ground floor did not.

Q. What was the extent of the bed-clothing that you observed on the beds on the floor? A. That would do for summer; the covering was very light indeed.

By Chairman Lexow:

Q. Do you mean just a sheet? A. Some sheet, and a very light covering, that is about all; I saw no covering sufficient for this season of the year.

Q. No blankets? A. I saw none.

By Mr. Goff:

Q. You regard the whole outfit as a temporary outfit? A. Temporary outfit, from my observation.

Q. Did you observe the evidence or signs of these beds or these rooms having been used recently? A. There were some few there with clean sheets over them; of course, I couldn't tell; they might have been used, and some looked as if they might have been used for a year without being shook up or straightened out.

Q. In what condition were the rooms? A. Well, not any cleaner than they should be; there was, of course, wooden floors; in some of the corners it seemed that dirt had been swept in the corner.

Q. Dirt lying there? A. Yes, sir.

Q. Not taken away? A. Yes, sir.

Senator Bradley.— You didn't expect, Mr. Goff, that this man could furnish a Fifth avenue hotel for 15 cents a night, did you, Chairman Lexow.— That is all, captain.

Moses D. Hamilton, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Goff:

Q. Your partner, Mr. Miller, testified here the other day, about the payment of \$15 for a polling-place; are you a partner with Mr. Miller? A. Yes, sir.

Q. The entry in the book was that the money was paid to the police; did you pay that money to the police? A. Yes, sir.

Q. To what police officer did you pay that money? A. He said he was sergeant at the Tremont station.

Q. Did you know his name? A. I didn't at that time.

Q. Would you recognize the man if you saw him? A. I think so.

Mr. Goff.—Captain Larkins, just step up here.

Q. Look at that officer (pointing to Captain Larkins). A. That is the gentleman.

Q. That is the man to whom you paid the \$15? A. Yes, sir.

Q. How did you come to pay the \$15? A. He came there first to see about the place.

Q. This sergeant? A. Yes.

Q. This officer who stood up in front of you was the sergeant at that time? A. Yes, sir.

Q. He is captain now? A. Yes, sir.

Mr. Goff.—That shows how promotion goes by merit.

Q. What did he say to you? A. He asked me first if they could have the place; I told him I didn't know of anything to hinder, that I would speak to my partner about it; as near as I remember he called again, and agreed then to take the place; after he agreed to take the place and I signed the paper to that effect, then he said it was customary to pay that amount of money.

Q. Fifteen dollars? A. Yes; I thought it was a little too much; then I spoke about waiting until we received our money.

Q. From the city? A. He said it was customary to pay it in advance.

Q. To pay the police in advance? A. Yes; or whoever dispenses those places.

Q. Did you pay it then? A. Then I told him I didn't have it then, but I could give him a check, and he preferred to call again.

Q. He didn't want the check? A. No; he called again, then I paid him.

Q. And that is the officer who stood up here before you? A. Yes; there was another gentleman with him, but I don't remember his name; I don't know that I would his looks.

Q. But you are positive about this man to whom you paid the money? A. Yes, sir.

By Chairman Lexow:

Q. Did you offer him a check? A. Yes.

Q. And he refused to take a check and said he would call again? A. I think he said that the captain wouldn't like to take a check, or something like that.

Q. Did he mention the captain's name? A. Not to my knowledge; no, sir.

Q. You are quite certain that the officer that you designate there is the man? A. Yes, sir.

Q. You understand it is a serious charge against him? A. I understand.

Senator O'Connor.—How much do they receive for the use of the building.

Chairman Lexow.—Fifty dollars.

Q. Was there anything said by him that it was customary or usual to pay that amount? A. That is what he told me, that everybody paid that; it was customary.

Q. The fact is that any of you people would just as soon have rented that place to the city for \$35 instead of \$50, and give the city the advantage of the \$15 instead of giving individuals this amount, and you would a great deal rather do that, wouldn't you? A. Well, it would be all the same I should think; my opinion is that \$50 is not too much for a business place to be upset; I don't think it is any too much.

Q. It is five days? A. That place really belongs to them; it properly should be opened to 9 o'clock at night; it really belongs to them.

Q. The fact is, practically, that you did rent your place for \$35 instead of \$50; that is what it netted you? A. Yes, sir.

Q. And that you would have rented it to the city for \$35? A. At that time we were strangers in business and wanted to get acquainted with the people; other times we would not.

Thomas Kearns, a witness called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—I wish you would caution this witness. We can not examine him until to-morrow.

Chairman Lexow.—You understand, witness, that you are now a witness of this committee under oath, and that you must not let anybody approach or speak to you with reference to testimony that you are to give before this committee.

Mr. Goff.—Notify all the witnesses under subpoena, who have not been examined, to be here at 10 o'clock to-morrow morning, please, Mr. Chairman.

Chairman Lexow.—All the witnesses under subpoena for to-day will attend here to-morrow morning at half-past 10 o'clock. The committee's session will be adjourned until that time.

Proceedings of 47th session of the committee, Wednesday, October 17, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Charles T. Saxton, Daniel Bradley, Jacob A. Cantor, George W. Robertson and Cuthbert W. Pound; John W. Goff and Frank Moss of counsel for the committee.

Chairman Lexow.—Mr. Moss a quorum of the Senate Committee being present we will continue our deliberation.

Mr. Moss.—We are ready sir.

Frank H. Johnson, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. What is your business? **A.** A manager of receptions, weddings and parties.

Q. You are in business for you father, are you not? **A.** Yes, sir.

Q. And in arranging for receptions you have to put awnings upon the sidewalks at times, don't you? **A.** Yes.

Q. What else do you arrange for upon the street? **A.** Taking charge of the carriages.

Q. Do you have to have the attendance of policemen at times? **A.** At times, yes, sir.

Q. Under what circumstances? **A.** Well, in case of a very large reception on Fifth avenue, or a street that I think it is necessary to have one.

Q. How much do you pay for the privilege of putting up the awnings? **A.** I have never paid a penny.

Q. But you have paid money to the police? **A.** I paid money as a present at the request of the people who have or give the reception, or ball, or wedding.

Q. You have made presents, but not by way of extortion but as showing the good feeling of the persons for whom the reception is being given? **A.** Yes; I think that is the idea.

Q. Who is the money paid to? A. The officer that is detailed there.

Q. How much would it be made? A. From \$1 to \$5.

Q. For just standing upon the sidewalk? A. That is about all, and in case the street got blocked he would, of course, try to straighten it out.

Q. Who did the officer divide with; do you know? A. That is something I don't know; if I paid him I considered that I was through and did not know what was done with it, and considered I was through.

Q. How many times have you done that? A. It is hard for me to tell.

Q. A great many times? A. Yes; at least I have not done it a great many times, as I have not had charge of that longer than for the past two years; my father is sick, and not able to attend to it; previous to that he attended to that.

Q. You find it is the custom to pay the officer who stands on the sidewalk from \$1 to \$5? A. Yes; it is customary.

Q. According to the financial strength of the people? A. Not exactly; as a general rule it is \$5.

Q. It is an exception when it gets less? A. Yes, sir.

Q. Have you had any conversation with any officer about what was done with the \$5? A. No, sir; I never questioned an officer what he did with the \$5.

Q. Is there any general understanding in your business as to what is done with the \$5? A. No, sir.

Q. Who suggested to you first — take the first time you ever heard of it — who suggested to you first that you should pay money to the officer? A. Nobody; that is my own suggestion.

Q. You did it because you recognized it as the custom of the wedding? A. Yes, sir; that it was extra duty the officer was performing; and it is customary to give him a little present in case of a wedding or reception, when he came down for extra duty.

Q. Irrespective of the fact whether or not the officer was supposed to be on post duty? A. Well, I don't think —

Q. You never questioned whether or not the officer would be otherwise on post duty did you? A. The only time I think I paid an officer anything was when he was detailed at that place, and I went to the station-house and asked him to be detailed to that place.

Q. Do you mean to say it is the general custom and understanding in your business, that when an officer does work out-

side of patrolling his post, he must be paid extra for it? A. I have always thought so; of course, at the request of the people who are giving the ball; of course, they have to say first whether they want to give this officer a present; I never paid him unless I was authorized to do it.

Q. Did you ever have any conversation with your father about paying money to put up awnings? A. No, sir; I never knew there was any occasion; I never paid anything.

Q. Do you know whether your father ever paid anything? A. I can say very sure he has not.

By Senator Bradley:

Q. Were you ever asked for any money by a police official?

A. No, sir; never.

Q. You are clear about that? A. Positive.

Q. Do you know of your father being asked for any money?

A. I don't know; I might say very sure he was never asked by anybody; I think if he was asked he would not pay it, and would not consider it right he should.

Q. You never heard of any objections or obstructions thrown in the way of erecting these awnings or having obstructions?

A. No, sir.

By Senator Pound:

Q. Were these officers that you speak of specially stationed at those places? A. The police were specially detailed each time at my request.

By Chairman Lexow:

Q. When you spoke of extra service, you meant us to understand that the services rendered by a policeman in the protection of property and the prevention of crime which was his business, on your request, was an extra service? A. I always thought it was extra duty he was doing, when he got a special detail at a reception or ball; I can not say positively whether it was or not.

Q. You don't know whether or not the time of his regular patrol was decreased by the amount of special duty he did on your premises? A. No, sir; I do not.

Mr. Moss.—It is a small matter, Mr. Chairman, but it is a small tributary stream.

Senator Cantor.—I desire to make a statement. I have conferred several times with Mr. Goodhart, who is president of the Sheltering Guardian Society where the children of Mrs. Uchital are confined, and he told me this morning that they are perfectly willing to deliver the children up to the mother whenever this committee and the counsel in their wisdom shall determine it is best for their welfare, without legal proceedings, simply upon receipt of a demand of the committee or counsel.

Senator O'Connor.—Do you know if this woman is a woman that has means to take care of the children, whether it will be best to deliver the children to her.

Mr. Moss.—We will look into the matter very carefully before we recommend the delivery of the children. We will look into the matter.

Chairman Lexow.—Why is it not better to have the society satisfied that she can maintain the children instead of putting the responsibility upon this committee, or upon the counsel for the future conduct of the mother toward those children.

Senator Pound.—The society has made an investigation, and they have determined the mother has not a proper place to take care of her children; and what has the committee to do with the children.

Senator Cantor.—It is not the Gerry Society, but the Hebrew society in whose possession the children are. Of course, they expect your committee or its counsel to determine the ability of the mother to properly care for the children.

Chairman Lexow.—I think you agree with us, Mr. Moss, that neither you or we desire to take the responsibility of a step of that kind.

Mr. Moss.—I do not care to incur the responsibility. I do not care to do more than give my opinion, and if the society would take my opinion I should be glad of it.

Senator Pound.—We appreciate the action of the society and are much indebted to them for their courtesy in the matter.

Mr. Moss.—May we suggest, Mr. Senator, to the society that they shall send a representative of their own to make an investigation.

Senator Cantor.—They have made an investigation and they found on investigation that the woman was thoroughly trustworthy, and that the charges made against her in their judgment

was absolutely unfounded. So far as their investigation goes the woman is a pure woman, and perfectly moral, and not guilty of the offenses charged against her; and they say, in thinking of that aspect of the case, after investigation, they are willing to give the children up, and they prefer the committee to take some part in the matter, and if not they will act independently, but they simply say they do not desire to put this committee or their counsel to the expense of making an application to the court for a writ.

Mr. Moss.—The proposition was evidently made out of courtesy to the committee, and we will consider that as an endeavor to act wisely.

Chairman Lexow.—They have made an investigation and found all the charges against her chastity and conduct absolutely unfounded.

Mr. Goff.—We have the officers of the Hebrew institution make those investigations.

Senator O'Connor.—If the committee does nothing else but to re-establish the good character of that woman they have performed a work worthy of the amount the State may spend upon it.

Senator Cantor.—I suppose they thought an application would have to be made for a writ, and under that consideration they are perfectly willing to give the children up.

Mr. Goff.—We understand the question. We considered the question of going into the Federal courts, she being an alien, and going into the Federal Court.

Senator O'Connor.—I think the woman is entitled to her children, even if she is poor, nobody can take the children away from the parent, even though poor.

Mr. Moss.—There is no case that has come before the committee that has come nearer to my heart than this case.

Mr. Goff.—I beg leave to read the following letter which I have received from the commissioners of charities and corrections upon this question of fraudulent registration, which I addressed them upon.

“ John W. Goff, Esq.:

“ Dear Sir.—In reply to your communication of the 15th inst., in regard to complaints received by you of false registration in the Sixteenth Assembly district, said to be by persons sojourning on Blackwell's island, in the institutions under the care of this department, I would call your attention to the following com-

munication sent to the heads of our institutions in 1892: 'Sir.—As there may be doubts touching the qualifications of the help registered from your institution, this board directs you and them that, to avoid any question, they must be restrained from voting at the present election. This board is unwilling that any vote should be cast at this election, which is not in full accord with the laws on the statute books. Hoping that this question may be judicially determined before another election, I am yours, H. H. Porter, President.' I would also state that the attention of the heads of our institutions has been called to this communication, and they have been directed, so far as lies in their power, to prevent the registration or voting of any person not legally qualified to do so.

"Very respectfully,

"H. H. PORTER,

"President"

Chairman Lexow.—Do you want to make that part of the record?

Mr. Goff.—Yes, and I ask this be marked in evidence and give it to the stenographer.

Marked Exhibit 1, October 17, 1894, L. W. H.

Mr. Goff.—I have been in receipt of several communications regarding the status and workings of the association known as the Patrolman's Benefit Association of the City of New York, composed of patrolmen of the police force. I have in view of the communications I have received had the bank in which their moneys had been and are deposited prepare for me a sworn statement from their book. I had carefully examined that statement, together with such evidence as the officers of the association have presented to me. The trustees of that association are in court to-day in response to subpoena, and every figure returned to me from the bank has been satisfactorily explained, and every draft and money that appears upon the bank's statements has been satisfactorily explained. There were many things on the bank's statement which I failed to understand until the officers and trustees of the association had explained to me. I am satisfied that all the items drawn out from the bank in the Nineteenth ward, however, as given to me in this statement, had been sums for the burial of members, commencing at the sum of \$150 for each death, and then the same had been raised recently from January 1, 1894, to the sum of \$175 for each death.

The deposits being unequal amounts, I have ascertained that the cause of that is the failure of the officers, or all the members of the association, to pay their 25 cents a month regularly, the collectors to turn it in, so the different amounts differ by the month and different dates. I am satisfied so far, Mr. Chairman and gentlemen, from the statement supplied to me by the banks, and also by the officers of the association, that this committee has at the present time nothing to inquire from this association; that it is an association of the patrolmen of the city of New York purely for benevolent services in cases of death and burial of their members.

Senator Pound.—Where was this association organized?

Mr. Goff.—When was that organized, Officer Murphy, or Divine.

The Officer.—Four years ago.

Mr. Goff.—Yes, four years ago. I have returns from 1890. Considering the pressure of business we have on hand, I do not consider it of importance that these officers should be examined, because there is nothing that would be derived from their examination, except the facts I have stated. They have confined their operations wholly on the statement of their officers to cases of benevolence among their members, which, of course, the Senate committee has not fault to find with. Now officer, you may go.

Chairman Lexow.—On the contrary.

Mr. Goff.—Yes, on the contrary. You may go, officer, and the other trustees of the association.

Senator O'Connor.—A matter has been brought to my attention. Is there any way by which you can show to the committee the number of policemen that are assigned to private persons to perform official duty, and paid by the city, when, as matter of fact, I understand it they should have been paid by the parties requiring the services.

Mr. Goff.—That subject has engaged my attention.

Senator O'Connor.—I understand there are 500 of the police force of the city, under certain pretexts, assigned to special organizations, that ought to be paid for by the people who receive the service.

Mr. Goff.—That subject has been receiving our attention, and it will be brought to your attention when we have the proper and responsible officers on the stand.

Chairman Lexow.— It seems especially important from the view of the fact that I see they propose to raise the taxation of this city \$1,500,000 a year for the compensation of the police.

Mr. Goff.— My experience leads me to believe that what Senator O'Connor has stated is true, and rather underestimated instead of overestimated. The only difficulty is, a record is not so kept on all the officers so assigned, and it would be very difficult to prove, by records in the department, of the assignment of such officers.

Chairman Lexow.— Who does the business?

Mr. Goff.— Ordinarily at the headquarters, the superintendent is the man, under orders of the commissioners, of course; but then I have found that many assignments have been made by different captains in their precincts to different corporations and associations in their precinct.

Chairman Lexow.— And the fact is, those officers are assigned on their salaries from the city and gratuities from these organizations.

Mr. Goff.— And rendered no service to the city.

Senator O'Connor.— When, under the law, the corporations have a right to have men appointed empowered with all the powers of the commissioners, at their own expense.

Mr. Goff.— Yes, that is true.

Senator Bradley.— In 1877, I had a law passed in Brooklyn, requiring the officers to pay \$3.50 a day for detail service; that is the law in Brooklyn.

Mr. Goff.— After calling Antonia Condrianus I desire to put this matter only because we have requested Commissioner Dalton to be present, the president of the excise board, and he is sitting besides me, and he would have been here yesterday only by the sickness of a near relative. The purport of this testimony is to show, gentlemen, that even while this committee sitting, and within the space of about a week, a stranger in our city is inveigled into a public house, a licensed liquor store on South street. Is the proprietor here. (A man responds, yes.) And he, in that liquor store—a poor sailor, discharged from his ship at Halifax, comes on to New York to get money due to him, puts the money in his pocket, and wanders on South street and he is inveigled into this store, a licensed place, and he is held up and robbed in front of the bar, while the proprietor and his bartender were present, and not a finger raised to protect

him. That is a licensed liquor store in this city and on one of our public thoroughfares.

Chairman Lexow.—Has that been brought to the knowledge of the excise board here?

Mr. Goff.—We are going to bring it now, sir, that is why we have Commissioner Dalton here for. George (addressing the interpreter) you put the questions to the witness, and then you give us his answers the same as if he were speaking, you understand that, George?

The Interpreter.—Yes, sir.

Antonia Convrianus, called as a witness on behalf of the State, being duly sworn, testified/ as follows:

Examination by Mr. Goff:

Q. Antonia, are you a sailor? A. Yes, sir.

Q. Were you at Halifax recently? A. Yes, sir.

Q. Were you discharged from your ship at Halifax? A. Yes, sir.

Q. Is that your discharge? (Showing witness paper.) A. Yes, sir.

Q. This is a certificate of the discharge from the captain of the ship, the ship Maribout? A. Yes, sir.

(Paper marked Exhibit 2, October 17, 1894, L. W. H.)

Q. Did you get paid in Halifax? A. Yes, sir.

Q. Did you get all the money in Halifax? A. One hundred and fifty dollars; yes, sir.

Q. Were did you go to from Halifax? A. The day when I got paid off, I took the railroad and came to New York.

Q. What did you come to New York for? A. I thought I would get better chance in New York than in Halifax, a better chance to ship.

Q. When did you arrive in New York? A. I got in here Saturday night — Sunday morning.

Q. Was it last Saturday morning? A. Last Saturday morning; yes, sir.

Q. Where did you sleep the first night in New York? A. At a boarding-house, No. 374 Water street.

Q. Front street? A. Water street.

Q. Were you robbed of your money? A. Yes, sir.

Q. When were you robbed? A. Monday, sir.

Q. Monday? A. Yes, sir.

Q. Where were you on Monday; tell us what street you were on? A. I left the boarding-house about 8 o'clock and went out with a shipmate to take a walk around and we went around as far as South street, me and my shipmate, and we walked and got a glass of liquor in a liquor store, and we went down near South street, so we met four fellows on the street; those four fellows they asked if we were going to treat, and so this shipmate said all right, and the shipmate said let us go in a liquor store near there.

Q. The shipmate said so? A. Yes; and that party said no, they have not got good beer and we go further away to get where they have good beer; and they brought us into that liquor store.

Q. Do you know the number of the liquor store you were brought into? A. No. 152 South street.

Q. Do you know the name of the place; what it was called? A. I don't know.

Q. You say there were four men went in there with you and your shipmate? A. Yes, sir.

Q. Now tell us what took place there? A. He said they got a couple of glasses of beer there, and his shipmate treated first, and then he treated, and as soon as he paid the barkeeper the money he found somebody was stealing down his pockets, he said; he told the shipmate at the same time to go out, and the shipmate told him to wait until I go to the water-closet, and then I will come out; this time the shipmate went to the toilet; those four fellows wanted to grab him by the neck, and the other held his hand down, and the other pounded him in his eye, and the other put his hand in his pocket.

Q. Stand up and let us see your pocket (the witness stands up and shows his pocket ripped for some distance).

Q. You had the money in that pocket there? A. Yes, sir.

Q. How much money? A. I had the pocket sewed up here and that is where they tore it.

Q. It was buttoned, was it? A. Yes, sir.

Q. How much money did you have in your pocket? A. One hundred and thirty dollars.

Q. And they took every dollar of it, did they? A. Yes, sir; only small change they left me in the change pocket.

Q. Were you struck in the face? A. Yes, there is a mark on my eye.

Q. Did that take place right in front of the bar where you were drinking? A. Yes, sir.

Q. Who was behind the bar? A. The proprietor was outside, and a gentleman there, and the bartender was behind the bar.

Q. Mr. Van Glahn, please stand up; is this the proprietor? A. Yes, sir.

Q. And did the proprietor stand in front of the bar, and the bartender behind the bar while you were being assaulted and robbed? A. Yes, sir.

Q. Did you cry out? A. I could not holler because they had me by the neck, and the proprietor was along side of me.

Q. Did the proprietor say anything or do anything? A. He did not move from the place where he was standing.

Q. Did the bartender do anything or say anything? A. He did not move from his place, neither his bartender.

Q. What did you do after you were robbed? A. I ran after the shipmate that was in the water-closet, and at the same time my shipmate was coming out and I told him I got robbed, and I was too excited to explain that right away, because the blood was coming out of my mouth, I was hit in the mouth so.

Q. Did you run out into the street? A. I ran with my shipmate as soon as my shipmate came out.

Q. Did you see a policeman? A. About four doors below a policeman was standing.

Q. What did the policeman do? A. He brought me down to the liquor store and got the liquor store's number and the proprietor's name.

Q. And did the officer arrest anybody? A. No, sir.

Q. Didn't arrest anyone? A. No, sir.

Q. How long after did he arrest anyone? A. The policeman brought me to the station-house and from the station-house they sent two men down and got them arrested, and the next day they went to court, and the judge did not ask any questions at all: he says he only listened to the story of what Mr. Van Glahn says, and the detective, and the sergeant.

Q. They did not ask this man any questions? A. He did not ask him any questions.

Q. And the man that was arrested was discharged? A. Yes, sir.

Q. Did you recognize the man that was arrested as one of the men that assaulted and robbed you? A. The man who robbed me skipped out.

Q. Was the man that was arrested one of the men that was there in the store when you were robbed? A. Yes, sir.

Q. Did you tell any one in the court, or could you make yourself understood by any one in the court? A. They did not ask him any questions, he says, in the court.

Q. Did not ask him any questions? A. No questions at all.

Q. Did the judge ask questions of Van Glahn, the proprietor? A. I don't know.

Q. I hand you this little ticket, and ask you if you received that ticket in the liquor store where you were robbed? A. Yes, sir.

Mr. Goff.—This ticket reads, "Knickerbocker Hotel, Henry Van Glahn, proprietor; furnished rooms to let, 152 South street, New York;" on the reverse side, "Five of these tickets good for one 5-cent drink." We offer this ticket in evidence, with special charge to the stenographer that he keeps it sacredly, because some one might take advantage of the offer it contains.

Q. Did you ever get back any of your money? A. I have not a cent to my name.

Q. How are you living since? A. I stop in the boarding-house, the same place where I was before.

Q. But you have had no money? A. I have not got one penny to my name.

By Senator Bradley:

Q. What court was he taken to? A. To the Tombs Court.

Q. Your shipmate is here? A. Yes, sir.

Mr. Goff.—Well, we won't examine him because we have a great deal of business. Senator Boyd, we will ask you a few questions.

John G. Boyd, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. You are a member of the bar of the Supreme Court of this State? A. Yes, sir.

Q. And you have been a Senator of this State? A. Yes, sir.

Q. Was this matter testified to by the Greek sailor brought to your attention? A. Yes, sir.

Q. In your professional capacity of Senator? A. Yes, sir.

Q. Did you take any interest in it? A. I did.

Q. To what extent? A. I heard their statement, and I thought the matter ought to be made public; I thought it was a terrible

outrage, and in order to get more information in regard to the character of the place, I thought I would call upon Mr. Telkulsy, as he, being president of the Liquor Dealers' Association, would be likely to know of the character of this place; from the card I supposed it was a place of some size and importance; I called upon Mr. Telkulsy and took these men with me, and he expressed great indignation that such a thing should have occurred, and spoke very kindly to the men; he stated that he would send and ask this man to come to his place so as to get more information about the fact, and he did so, and the man came there; we had some conversation in regard to it, and Mr. Van Glahn stated he recognized the man who came in.

Q. That is this man present here? A. Yes, sir; and remembered the circumstances, and stated that he could not help it, and that is about all I think I remember.

Q. Was he asked by you or any one in your presence, if he interfered—Van Glahn interfered—in any way to save this boy? A. Yes, sir; I asked him himself; I said Mr. Van Glahn, what did you do when this affair occurred; when you saw these men treated in this way; he said I did not do anything; said I, didn't you call the police, or didn't you make any attempt to have these robbers stopped; and he said, no, he could not.

By Senator O'Connor:

Q. Did he know any of them? A. I don't know, sir.

By Mr. Goff:

Q. And was it admitted also that his bartender was there? A. Yes, sir; and Mr. Van Glahn then stated about his having been taken to court and discharged.

Q. The whole thing resulted in the fact that Van Glahn or his bartender made no effort to save this poor sailor from being assaulted and robbed right in his place? A. That is what he stated, sir.

By Senator Cantor:

Q. Did he give the reason, Senator, why he did not interfere? A. No, sir; I beg your pardon, I think now he stated that when this man, after he had been attacked, that he turned around, and he was standing there, and he ran against him and knocked him down, or something of that kind; that is the whole thing.

Henry Van Glahn, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. How many people were registered and voted from your Knickerbocker Hotel last year? A. I could not tell you exactly.

By Chairman Lexow:

Q. Are we to assume you can not remember? A. No; I do not keep track of everybody.

By Mr. Goff:

Q. Were there 150? A. No; not 150.

Q. Were there 100? A. No.

Q. I think I have some knowledge of your hotel, Mr. Van Glahn.

By Chairman Lexow:

Q. What Knickerbocker is that?

Mr. Goff.—It is the Knickerbocker Hotel, No. 150 South street. It was one of the places that invited our attention last winter when we were looking up the registration frauds.

Q. Now, will you swear there were not 100 registered and voted from your place? A. No; there was not 100.

Q. Was there 90? A. Neither 90.

Q. Or 80? A. No; not 80.

Q. Or 55? A. No.

Q. Or 60? A. No.

Q. Or 40? A. No.

Q. Or 30? A. I don't know, around that number.

Q. We have reached a point we will agree upon now; how many have registered from your place this registration already? A. I don't know; only about seven or eight, that is all.

Q. Well, there are three days of registration yet? A. Yes sir.

Q. What sort of place do you keep anyway? A. I keep a decent, respectable place.

Q. And you protect your customers? A. Always do so when they come in.

Q. Did you ever hear of highway robbery? A. What?

Q. Did you ever hear of highway robbers? A. I read in the papers, that is all.

Q. Did you ever hear of highway robbers? A. I have read in the papers about them.

Q. You are a German, and haven't you read that famous German story called Skindaranus, the robbers of the Rhine? A. No, sir.

Q. Did you ever hear he was—

Chairman Lexow.—He may know it under the name of Schinder Hannes. That is the correct pronunciation.

Mr. Goff.—I thought that Schinder Hannes had done so much skinning we might call him Skinder Hannes.

Q. Have you heard tell of him in any way? A. I heard tell of him.

Q. He was a highway robber? A. Supposed to be.

Q. And you heard of other gentlemen in his calling in New York? A. No, sir.

Q. Did you ever see a highway robber? A. No, sir; only seen it that day; I did not see that even; I only seen a little of what that was going on, the same as a fight.

Q. By the way, let us step back again to your institution; how many beds have you in your house? A. How many beds?

Q. Yes? A. I have got 60.

Q. And how many in each room? A. One in each room.

Q. You have got 60 rooms in your house? A. Yes, sir.

Q. Well, your house is simply a lodging-house isn't it? A. No, sir.

Q. What sort of an institution is it? A. Furnished-room house for gents.

Q. For gentlemen only? A. Yes, for gents.

Q. Well, don't you allow gentlemen and their wives too—? A. No, sir.

Q. Do you keep a register? A. I keep a book; yes, sir.

Q. Do you compel every gentleman that stops in your house to register his name? A. We put it down ourselves.

Q. You put it down yourselves? A. Yes, sir.

By Chairman Lexow:

Q. Is there any difficulty on the part of the lodgers of your place signing their own names to your register book; is that the reason why you put them down yourself? A. No; there is no difficulty; it was always the rule of the house ever since I have

been there, and I generally always put them down myself, and take the names.

By Mr. Goff:

Q. How long have you been there? A. Going on 10 years and nine days from last 4th of July.

Q. As proprietor? A. No, sir; I was then tending bar there four year and 11 days.

Q. You first went in to attend bar, and finally you owned a place? A. Yes, sir.

By Senator Bradley:

Q. Bought the boss out? A. Bought the boss out.

By Mr. Goff:

Q. Is the boss living? A. One is living, and the other is dead.

Q. One dead after the operation? A. He died, and I bought his part out; he could not help dying he was a consumptive.

Q. Of galloping decay? A. I don't know.

Q. Did you send these tickets around generally to the public? A. I give every man that comes in there a glass of beer, and give him one of those checks.

Q. So if a man goes in and gets five glasses of beer he has five tickets? A. He has five glasses of beer and he gets a ticket for nothing.

Q. So in order to give a present of a glass of beer to your customers you compel them to drink five glasses to reach that point? A. Yes.

Q. Suppose a man went in five days, each day successively, and got a ticket each day, will that hold good? A. He can save them up, and do as he likes with them; if he saves them up, that is good for that.

Q. They are good when five are presented? A. Yes, sir.

Q. Are your beers of the dimensions of schooners or brigs? A. Why they are schooners, what you call, just a medium glass of beer.

Q. Have you advertised your beers as schooners; don't you advertise a schooner of beer for five cents? A. Yes; they are advertised as schooners.

Q. Now we have it that a customer of yours would have to have sufficient capacity to hold five schooners of your beer before he could get a schooner for nothing; is that so? A. Yes, sir.

Q. Have you ever had any sudden deaths in your place? A. Not to my knowledge, except one.

Q. You had one? A. One, yes; the party was working there for six years; he was a countryman of ours, and he died in the house too.

Q. In regard to these lodgers, they pay from night to night? A. No; they generally all pay by the week.

Q. All? A. The most of them; of course, the rooms are not all full; I have only 35 or 40 rooms all full now.

Q. They pay from night to night? A. By the week, except a gentleman comes in there and wants a room by the night; I give it to him and charge him 25 or 35 cents.

By Chairman Lexow:

Q. What is the average number of people you have, say in the months of July and August? A. About 30 or 35.

Q. All the year around? A. No; on the average the year through I have about 40.

Q. How many have you got there now? A. I have got about 45 now, I think.

Q. Not more? A. No.

By Mr. Goff:

Q. What street are you near? A. Near Peck slip, between Dover and Peck slip.

Q. Do you remember this sailor going into your place? A. Yes; I was standing right at the end of the bar when he came in.

Q. What time of the day? A. Around 2 o'clock.

Q. Well, you saw him in company with other men? A. I saw him in company with eight other parties; there was 10 of them in a party when he came.

Q. And you remained in the store while they were there? A. I remained in the store; the bartender waited on me; they had six beers and four whiskys; they paid 70 cents for drinks.

Q. You mean this sailor had six whiskys and four drinks? A. With the company that come in with him; they paid for the drinks; I was standing there; there was three or four there,

about 15 or 16; I can not exactly say how many was there; they came in and I was standing along side of the bar at the ice-box; I walked into the back room and was talking to the lunchman to buy some lunch the next day.

Q. That is a free lunch? A. Yes, sir.

Q. That is outside of the free schooner? A. Yes, sir; that is outside.

Q. That is in addition? A. And all at once the bartender hollared out, "Hurry up, Hen; hurry up, Hen," and I rushed up in the meantime, and thought a crowd was fighting, and he broke away from the bar, and knocked me down along side of the ice-box; I broke the dripping pan that the beer was in.

Q. That must be a great loss to the tramps of the neighborhood if you broke that dripping-pan? A. Nobody can go near there.

Q. Senator Boyd has sworn that you admitted you did not do a thing to prevent this poor stranger being robbed; did he swear the truth; did the Senator swear to the truth when he swore to that on the witness stand? A. No, in one way he did not; I told him — I explained the case as I am explaining to you.

Q. Did you say to the Senator that you did not do anything to prevent this young fellow from being robbed and assaulted in your place? A. I could not do anything.

Q. I am not asking you what you could or what you could not have done; I am asking you if you made that statement to Senator Boyd? A. I made the statement right in front of —

Q. That is all right; and the statement, when you made it to Senator Boyd was true? A. What I made, yes; the same as I am making here now.

Q. Yes, I understand; I know all about it; I have just got the matter on record, Mr. Von Glahn; now, did you ever see any of those men before? A. I could recognize them if I saw them again, yes.

Q. There was one arrested and brought to the police court; why didn't you recognize him there? A. I was not there.

Q. Weren't you in the police court? A. I was in the police court — or no, I was not in the police court; there was nobody there was brought up except my bartender; he was arrested, and that is the only one arrested in the case.

Q. You mean to say you did not see the man that was arrested? A. No, sir.

Q. The bartender was the only one that was arrested? A. The bartender was the only one that was arrested.

Q. No one of the men who did the robbing? A. No; I did not see anyone; there was no one arrested there.

Q. Did you go out and call for the police? A. I did not do that.

Q. Why didn't you do that? A. I was excited; I was knocked down, and as much excited as anybody else.

Q. You have been in that place for 10 years? A. Yes, sir.

Q. And you had become so excited after a man being assaulted and robbed in your place that you did not know enough to call for the police, is that the fact? A. I was excited just the same when I was knocked down there; when I was knocked down I was excited.

Chairman Lexow.—The counsel is simply asking you for the facts. Answer yes or no, whether that is the fact or not. We have got the rest of your testimony and can judge of your motives.

By Mr. Goff:

Q. Were you so excited that you could not call for the police? A. I did not know what to do.

Q. You, as the keeper of a hotel, a keeper of a liquor store, the proprietor of a liquor store, you mean to tell us you did not know what to do? A. No—

Q. Listen to me; when you saw a poor stranger assaulted and robbed right before you in that house do you mean to say you did not know what to do? A. I did not know what to do; I did not know any more that he was robbed any more than you do at the present time.

Q. Have you stated the time of day that this occurred? A. It was around 2 o'clock.

Q. Around 2 o'clock in the afternoon? A. Yes; it might be a little after 2; I don't know.

Q. How many more robberies have been committed in your saloon? A. Not one; to my knowledge.

Q. They may have been committed there without your knowledge? A. They may; I don't know; not to my knowledge.

Q. Have you ever been arrested for violation of the excise law? A. Only once.

Q. What was done with you? A. Well, we could not do anything; I do not keep open on Sunday.

Q. What was done with you? A. I was put under bail.

Q. What was the final disposition of your case? A. I was cleaning up the place in the morning.

Q. Answer my question? A. I don't understand you.

Q. Tell me, and I will try and make myself intelligible; were you ever brought to trial? A. No, sir not to trial; I was in the police court.

Q. Listen; you say you were held to bail in \$100? A. Yes, sir.

Q. Were you ever brought to trial upon that charge? A. No, sir.

Q. How long is that ago? A. About three months ago.

Q. About three months ago? A. Somewhere around that.

Q. And that is the first time you were arrested for violation of the excise law? A. The first time I was arrested for violating the excise law.

Q. You have kept opened on Sundays the same as all your neighbors? A. No, sir.

Q. And after 1 o'clock at night? A. No, sir.

Q. You mean to swear here that you have never kept your place open, or sold liquor or beer after 1 o'clock at night? A. No, sir.

Q. Nor on Sundays? A. No, sir.

Q. Just look at me and repeat that over? A. I will say the same.

Q. You repeat it that you never kept your place opened, or sold intoxicating liquors, beer, wines, or wiskeys after 1 o'clock at night? A. No, sir.

Q. Nor on Sundays? A. No, sir.

Q. You locked your place up on Sunday? A. Yes, sir.

Q. Every Sunday? A. Yes, sir.

Q. Where do you live? A. In the same place.

Q. You never got into your liquor store for the purpose of selling on Sundays? A. No, sir.

Q. Did you? A. No, sir.

Q. That is the most extraordinary thing; and if you did it you would not admit it here, would you? A. If I did I would admit it here.

Q. You would admit it? A. Yes.

Q. Has your bartender gone in there after 1 o'clock, and kept open and sold? A. I don't know; I do not think he did, because —

Q. Never mind the because; has your bartender sold on Sundays? A. No. ,

Q. Are you sure? A. I am pretty sure of it.

Q. Are you sure? A. I am pretty sure of it.

Q. When you say pretty sure, what do you mean by that A. He has got the key of the store, and he might have walked in there, not to my knowledge though.

Q. Have you a hotel license?

By Chairman Lexow:

Q. You did not take any great trouble to find out did you?
A. No; because I always trust a man that is working for me.

By Mr. Goff:

Q. Have you a hotel license? A. No, sir.

Q. Do you run a hotel? A. Well, I run a boarding-house more than that.

Q. Do you serve meals? A. Yes, sir.

Q. Have you a cook, and kitchen, and all other appurtenances to a meal? A. Yes, sir.

Q. And how do you serve your guests? A. If they want meals they can have it, and if they do not want it they can just have the rooms there.

Q. You conduct your house on the American plan, is that it?
A. I don't understand that.

Q. You don't understand that? A. No; on the American plan.

Q. Have you a permit from the board of health to keep a lodging-house? A. I have not got a lodging-house.

Q. I ask you if you had a permit? A. The board of health was last year there.

Q. I ask you, sir, if you have a permit? A. No, I have not, got any permit.

Chairman Lexow.—You would get through much quicker. If you answer the questions when they are put yes or no.

Q. And all you have is an ordinary saloon license? A. Yes.

Q. What class? A. Third class saloon.

Q. How much do you pay for that? A. Two hundred dollars a year.

Q. Commissioner Dalton tells me you must be mistaken; you must have the second class, if you pay \$200? A. Second class.

Q. Do you pay \$200? A. Yes, sir.

Q. You must have the second class? A. Yes, sir.

Mr. Goff.—I have invited Commissioner Dalton here. He is present in order that he, as member of the excise department of the city will be able to take cognizance of this case; and I am sure I speak for the committee when I say that it is pressed upon the commissioner's attention with urgency, that a licensed place, a second class license in this city, on one of our public thoroughfares, the proprietor and his bartender should stand idly by and see a poor stranger assaulted and robbed right in our city. I trust that Commissioner Dalton and his colleagues will take notice of that fact. You may go now.

Fernando Miguel, called as a witness on behalf of the State, being duly sworn, testified as follows through an interpreter:

(The interpreter, Adolph Stulen was sworn.)

Mr. Goff.—This case, Mr. Chairman and gentlemen, comes to us on recommendation of the Spanish consul, this being a Spanish subject, through Senator Boyd, who is acting for him. It is a case of robbery within a few days in this city in another house.

Examination by Mr. Goff:

Q. What are you, a sailor; what is your business? A. I am a business man.

Q. Where are you from? A. From Spain; from Saragossa, Spain.

By Chairman Lexow:

Q. What kind of business? A. I was employed in a business house.

Q. State the kind of business? A. Well, I am in a clothing store—cloth.

By Mr. Goff:

Q. When did you arrive in New York? A. A month ago.

Q. Where did you put up? A. Hotel De France.

Q. Hotel De France? A. Hotel De France.

Q. What street? A. Macdougall street.

Q. Had you a trunk or valise with you? A. Yes; I had three trunks.

Q. Well, what had you in your trunks? A. In the trunks I had my dressing, my clothing and so on; and different things I owned; and in the sack I had my money.

Q. The valise? A. Yes, in the valise; in my handbag.

Q. Where had you that; in your bedroom? A. I had it in my bedroom.

Q. Was that stolen from you? A. Yes, sir; that was stolen from me.

Q. Was the valise and all taken away? A. Yes, sir; the valise and everything.

Q. When was it taken; how long ago since it was taken? A. A fortnight since.

Q. I hand you a list of articles that your valise contained, articles of jewelry; did your valise contain those articles? A. Yes.

Q. The amount is \$1,182; did you go to the police about it? A. Yes; I was to the police.

Q. Headquarters? A. Yes; at the Central station; the headquarters.

Q. Did they do anything for you there? A. They sent a detective with me, but the detective did nothing; he did not find anything; he went to the house, and did not find anything.

Mr. Goff.— We are through with you.

Chairman Lexow.— What are you going to deduce from this?

Mr. Moss.— I will ask to see what he will produce.

By Mr. Moss:

Q. You were just saying a detective was assigned from headquarters; did the detective come to the hotel? A. Yes, sir.

Chairman Lexow.— Yes, and he said he went there and did not find anything.

By Mr. Moss:

Q. Has anything ever been done by any police official? A. No.

By Chairman Lexow:

Q. Ask him does he know whether or not the detective force in this city did any further work upon the matter without his knowledge? A. I asked another detective, but they did not want to give it; I asked for the services of another detective, but they didn't want to give it.

Q. Who did you see up at the Central office? A. I only saw a detective there; and they sent that detective with me because he knew French and could speak French.

By Mr. Moss:

Q. Did this detective say anything to you about paying him money for his services? A. No.

Q. Do you go with him to the hotel? A. Yes; he came there.

Q. Tell us just what the detective did at the hotel while you were there with him? A. He didn't do anything.

Q. Didn't he search through the house for the goods? A. No.

Q. No search? A. No.

Q. Did he talk to the proprietor and the man where the goods were? A. Yes; he talked to the proprietor.

By Chairman Lexow:

Q. Ask him whether or not that is a house of good reputation and good standing.

By Mr. Moss:

Q. What is the character of that house, if you know? A. I don't know; I think it is a house of good reputation.

Q. But this is the first time you ever knew it, isn't it? A. Yes; that is the first time.

By Senator Bradley:

Q. Ask him if the proprietor of the hotel did anything or made any exertion whatever in order to recover his lost property? A. No; he did not.

Mr. Goff.—I see a note from the Spanish consul which I mentioned before saying that he had tried everything in his power to discover or have this property discovered for this gentleman by the authorities, and having absolutely failed in doing so, he advised the matter to be brought to the attention of the Lexow committee as the dernier resort.

Chairman Lexow.—What claim do you make on the basis of this testimony, Mr. Goff.

Mr. Goff.—The claim, Mr. Chairman, that in a hotel in this city a robbery like this should have been committed, and was committed, and the police were powerless to detect the robber, with our great detective force.

Senator O'Connor.—You claim it goes to the inefficiency of the police.

Mr. Goff.—Precisely, sir; and they did not make any effort to obtain this property for this gentleman.

Chairman Lexow.—Do you think, as an isolated case like that, it would serve as an indictment of the police force, unless mentioned in connection with corrupt methods.

Mr. Goff.—Not standing alone, but taken in consideration with other such cases, which will show the general inefficiency of the police at the present time, with robberies committed on the streets, robberies committed in public houses, robberies committed in hotels, no arrests, no conviction, no protection or guardianship afforded to the citizens and aliens in this city.

Senator O'Connor.—In that connection it might be well to explain the position of the committee itself on such a proposition. I have had it said to me that the police force were afraid to arrest a thief or known crook, because they claim that they would immediately go before this committee and strike back at them; that is a complaint that is made pretty generally through the city. Now, here are two recent cases of robbery at these two hotels. It seems to be extraordinary that those offenses should be committed in open daylight in the city of New York, and they unable to protect them. What is the matter in the police force? Is there any truth in the idea?

Mr. Goff.—On its face, it is falacious, because in the first place we have had no crooks come in here to give testimony against the police for arresting them; in the second place, we have a great police force in this city, costing the citizens \$5,000,000 annually. If that police force, called the finest in the world, are afraid to arrest that crook or thief because they fear the crook's threat to bring them before the Lexow committee, then I believe they are cowards. I do not believe that.

Senator O'Connor.—You take the position that a man that does not commit crime does not fear investigation.

Mr. Goff.—Yes.

Senator O'Connor.—You have heard those statements.

Mr. Goff.—Yes, and there is no foundation for them whatever.

Senator Cantor.—I do not think that is true, that the police force of New York are afraid to make arrests.

Mr. Goff.—I do not say that, Senator; but if it comes to that place where they are afraid to make arrests for such reasons—

Senator Cantor.—I don't think there is any such claim.

Chairman Lexow.— A conscience stricken wretch who has been guilty of some crime might hesitate to arrest any person just now.

Mr. Goff.— And for years they have been afflicted with the same hesitancy, but from different motives.

Gustavus A. Wolfe, recalled, and again sworn, testified as follows:

Examination by Mr. Goff:

Q. Mr. Wolfe, you were on the stand here before? **A.** Yes, sir.

Q. And in answer to a question of mine, if you had ever paid the police or your employer, or if you had any knowledge that the police had ever been paid by you in consideration of being allowed to obstruct the sidewalk, you answered no? **A.** Yes, sir.

Q. You are prepared to say the same now, are you? **A.** Exactly; yes, sir.

Q. Did you ever say to any person that it cost you \$100 a month for the protection? **A.** No, sir.

Q. Were you ever brought to court? **A.** We were brought to court numberless times in reference to the matter.

Q. Did you ever at any time say in the police court that you had to pay for the obstructions of the sidewalk? **A.** Never.

Q. Did you ever hear the judge who sat upon the bench say, on one of these occasions, that no matter how much you had to pay, that the obstructions would have to be removed? **A.** Never.

Q. Did you ever hear this before? **A.** No, sir.

Q. This is the first time? **A.** Yes, sir.

Q. There has been considerable trouble about the obstruction of that sidewalk there? **A.** Yes, sir.

Q. You have been at police headquarters about it; have you not? **A.** We have been everywhere, counsel; we have been to the Police Court; to the Civil Court; before the mayor; before the police commissioners, and in every instance the complaint was dismissed on the merits of the case.

Q. And the complaints were made continually? **A.** By the same man, all the time.

Q. By the same man who claimed to be injured? **A.** He claimed to be injured; yes.

Q. The last time you were on the stand you said you had never heard about complaints but once; one time? **A.** I beg your par-

don; I made the remark that these things happened some 12 years ago, when Captain Miller was in charge of the precinct.

Q. I beg your pardon, the record says that you said at one time? A. Well, one time; I referred to that particular time.

Q. That time included a great many complaints against you? A. Yes, sir; during that period.

Q. Were you ever prosecuted? A. Yes, sir.

Q. And fined? A. No, sir; never fined, except in one instance.

Q. Were you ever brought to court before a civil magistrate? A. Yes, a number of times.

Q. And you were never fined? A. No, sir.

Q. You were sued civilly? A. We were not sued; the plaintiff threatened to bring a suit for \$20,000 damages but he was nonsuited.

Q. Well, these questions caused considerable annoyance to Captain Williams, didn't they; these matters of complaints, and so on? A. Our matter did not; but this man that made complaints caused considerable annoyance.

Q. Captain Williams took a considerable interest in your case? A. Not any more than he would in any other case.

Q. He took a great deal of interest in your case? A. Not extra interest.

Q. What interest had you in getting up petitions for him? A. I got up the petition to show, as I did, in a number of cases that this man was the biggest nuisance that existed in that street; and I had every reputable business man and private man in that block to sign that petition, that the way we carried out our business there was no inconvenience or nuisance to anybody else in that street but this one man; and for that reason I got up the petition for Inspector Williams, to show that the claims that he made before the commissioner were unfounded.

Q. How many petitions did you get up? A. Only one.

Q. How much did you contribute to that album that was presented to Captain Williams? A. Not a penny.

Q. You had something to do with it? A. Not a thing more than you.

Q. What do you know about it? A. I presume that they had nothing to do with it.

Q. Do you know anything about it being got up? A. No, sir.

Q. This is the first you heard of it? A. Yes, sir.

Q. Of an album gotten up at Tiffany's? A. This is the first I ever heard of it; and I am willing to swear to it.

Q. You are swearing; there were a great many of your drivers arrested, were there not? A. Very few of our drivers; there were drivers brought goods there from other houses, sugar drivers, or box drivers, or paste drivers—whatever their business brought them there.

Mr. Goff.—That will do, sir.

Senator O'Connor.—You want to make an explanation. What explanation do you want to make?

The Witness.—I want to explain to the learned counsel so he may understand this man's reason for prosecuting the house of Milliard.

Q. What is his name? A. Lorence Bayer; when Maillard took possession of that property in 1873 it was formerly a refrigerator factory, and there was a paved way to the factory to get up to the front door for shipping purposes; we were neighbors of that man for 10 years, and during this time he was interested in the Bon Marche of Paris, and had sent large packages of photographs for the place; and this man got the contract to frame these pictures, and when that appointment ceased he put it into his head that that went to somebody else, and from that day to this he has prosecuted our house, and that is his whole method; and he has gone so far that when one of our foremen rented a suite of rooms in his house and paid \$5 deposit, when he found that that man was working for Mr. Mallard he would not allow him to move in, and would not refund his \$5; this man threatened to bring a civil proceeding and I went down to go to court, and on the northeast corner of Twenty-fourth street and Seventh avenue he came running after me, and shook his hands in my face and threatened to do me up the first opportunity; I told him to do it then and there, and he would not do it, and I went to Jefferson Market and swore out a warrant against him; and he had the audacity to swear before the judge and perjure himself that he never made a threat; any one that perjured himself once will do it over again.

Q. Is that all? A. That is all.

Q. Don't leave the court; let me ask you one question; have you thought of refreshing your memory by any further details concerning Captain Schmittberger's visit to you? A. No.

Q. Then the facts you have testified to? A. I presume you refer to—

Q. I will forgive you your presumption; I asked you a question, sir? **A.** I am going to answer it; I don't know what counsel is getting at.

Q. (Question read by the stenographer.) Have you thought of refreshing your memory about any further details concerning Captain Schmittberger's visit to you? **A.** I had no reason to explain it.

Q. I have not asked you for a reason; I ask you have you refreshed your memory in regard to any other visits than those you have testified to? **A.** There is one visit which I have not testified to.

Q. Which you have not? **A.** Yes, sir; there is one visit I have not testified to last week.

Q. That is just the visit I ask you about; by the way, before we come to it; why didn't you testify of it before? **A.** Because that question was not put, and that matter was not brought up at the time.

Q. Didn't I ask you to state if the captain had seen you any more times than you stated here, and you said no? **A.** Oh, yes, sir; I beg your pardon; I said I saw him once after my visit to the Cafe Martin; I saw him once.

Q. Tell us what occurred that once? **A.** He simply asked me if I had seen Mr. Forget, and I told him yes; that is all; and the refreshing you are about to bring to my mind, is this, that on the morning when I was summoned here, Captain Schmittberger came over to find out if I had been summoned; this was about 20 minutes past 8 in the morning; on the previous day he was to the office when I was absent, as I testified here; and Mr. Maillard requested him as a favor not to come into the office, because he did not wish the house to be brought into this matter; and he said, if he had anything to communicate with me, or to say to me, he should send it some other way than by calling himself; when the captain had read, on Wednesday evening, in the Telegram, that I was being looked for by your assistants or detectives, he came to me on Thursday morning at 20 minutes past 8, sent our head driver in to me, and said he wanted to see me a few doors below at 126 West Twenty-sixth street on something; and I went out, and went in there, and he asked me have you been summoned before the committee, and I said, I don't know; I have not as yet; I suppose I will be; he says, "Well, if they do call you what are you going to do;" I said if I am called and sworn, I will tell the truth just as it happened; he says, "The only favor I have to ask of you, is to try, if possible, and not

give it out that I sent you to Mr. Forget to make the appointment;" I said, "I can not do it; I am going to say the way the thing happened, and nothing else;" and that is all the conversation we had that morning; about half-past 9 your officer walked in and served a summons.

Q. Have you seen the captain since? A. No, sir.

Q. Or heard from him? A. No, sir.

Mr. Goff.—That will do.

Senator O'Connor.—Is that all of Mr. Wolfe, Mr. Goff?

Mr. Goff.—I would like you to remain in the court while this witness testifies.

Lorence Bayer, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. What is your business? A. My business is manufacturer of looking-glasses, picture frames and mouldings.

Q. How long have you been there engaged in business? A. I have been in the block 26 years; and in the factory I was 23 years—122 West Twenty-fifth street; the neighborhood of Mr. Maillard's chocolate and candy manufactory.

Q. Have you had trouble with Mr. Maillard? A. The first trouble arose with Mr. Maillard was in a friendly, neighborly way; when Mr. Maillard got that factory there was an inlet to drive in with his horses and trucks; in the year 1884, he done away with that inlet and took 35 feet of the paving stones on the sidewalk, and he rode up onto that sidewalk back to the factory; and the horses were standing over the gutter almost continually from morning to night; when my private customers complained that they could not reach me on account of it—I done a retail business—I went into Mr. Maillard; and I said, Mr. Maillard—when Mr. Wolfe was present—"Mr. Maillard you injure me in my business;" well Mr. Maillard says, "I know I injure you," but he says, "I am doing an immense business, and you have to stand it;" I said, "Mr. Maillard, you have to do away with those horses and trucks on the sidewalks; I can not do a business that way;" he says, "I got money enough I will do as I feel like it;" "I suppose," I said, "We want to be neighbors, and we only live a short time in this world; don't pronounce that;" he says, "What can you do about it;" I said, "Mr. Maillard, two-thirds of my customers are ladies," and so they are; "And they will not travel in the middle of the street; they come as far as your trucks, and turn around and go immediately somewheres else;" he said, "Tell your lady cus-

tomers to come in carriage and they never trouble your sidewalk," and from that time I went to Captain Williams and laid the matter before him in the station-house; he was very rude to me; he wanted to order me out; he said, "I give Maillard the power;" says I, "Captain, where will I come in with the retail business;" I said, "Where will I come in;" I went then to all possible steps; I had Williams brought in before Superintendent Murray, and in the presence of six witnesses, and Mr. Murray gave his decision, "You have got to obey my orders, and that business I investigated and I find it worse than Mr. Bayer states it; he does a retail business; he done my work and my family's work, and Superintendent Byrnes, he done his work, and to the present day yet," and there is not a high official on the force where I do not do work, gentlemen; Mr. Williams, that was in the morning at 10 o'clock; in the afternoon he came with Mr. Maillard into my place of business at 2 o'clock; he says, "Mr. Bayer, I will bring Mr. Maillard to you;" he says, "He is building an inlet now on Twenty-fourth street, and you have to stand that business on the sidewalk until he has done with that inlet," and I said, "Captain, I am losing ground every day more, and my business is going down, and I came down to one man from 18 solid gold gilders," and he said, "Mr. Maillard, you go and do the business as before;" I had him brought before Mr. Murray again after six days, and Mr. Murray says, "I do not understand it that you do not obey my orders;" there were six citizens in the block went with me every time; but they were small wholesale dealers that only made the work and sent it out; but I was the only retail dealer in that block to the present day yet; I had Mr. Maillard's three trucks arrested in one day; and when I ordered the officer and he said—1694—he said, "Captain Williams gave me an order not to make an arrest;" I said, "If you don't make the arrest I will have you prosecuted and break you;" two cases were before Judge Duffy in the morning and the third case in the afternoon; Mr. Wolfe, and Mr. Captain Williams came through the judge's room out into the court-room in Jefferson Market, and when the case was called, Mr. Wolfe stated in presence of the witnesses, "Your Honor, we pay \$100 for doing that business on that sidewalk; we do an immense business, little nuisance;" "You have got to take that nuisance off the sidewalk;" well, Mr. Maillard says if we have to bring our goods out of the cart and into the court of my factory it costs us about \$80 a week; and Duffy said, "I don't care what

it costs; the first opportunity Mr. Bayer has an arrest made I send each driver up for a month and Mr. Maillard for a year;" that was no remedy.

Q. Did that stop it? A. It took me seven years, and I came down to be a poor man through that trucking on the sidewalk.

Q. Your business was broken up? A. The business is broken up; they had skids out lately yet; and since that committee sits they do not put the skids out, since the committee sits; I was before Mayor Hewitt with six of the citizens and laid that matter before him, that I am paying \$2,000 rent in that factory, and I had to get out of that factory; three years ago I had to move out; I could not pay the rent no more; what did Mayor Hewitt answer me; he said "You say you can not pay the rent there; why don't you move out of that block if you can not pay the rent;" I said, "Will you pay the rent where I have a written lease; I am doing a retail business;" no remedy whatever until Captain Riley came in the precinct; I went and saw Captain Riley, and as quick as I saw him he got on his hat and came down to Maillard's factory, and from this time the nuisance was stopped until the skids; there is a small platform built afterward, but if one man goes out with a wheelbarrow nobody is able to pass there; now, Mr. Wolfe knows I am wronged and became a poor man; and I solemnly swear and state it here by my son, the witness, that he stated in Jefferson Market before Judge Duffy, "We pay the \$100 for doing that business on the sidewalk."

Q. Did you have any talk—

Senator O'Connor.— Is Judge Duffy alive?

Mr. Goff.—Oh, yes.

Q. Did you have any talk with a policeman on on the force about those things? A. I tell you the truth that the Thirtieth Street Tenderloin most of the officers they went out of my way on account whenever the obstruction was there, and it was there continually; and I called their attention to make the arrest, and they would not make it; they would not make it.

By Senator Bradley:

Q. Did he say who he paid the \$100 to for protection? A. No, sir; there is his statement, "We pay a \$100 a month for doing that business on that sidewalk."

By Mr. Goff:

Q. Do you remember Captain Williams saying anything to you about the number of policemen he would have to put there to

stop the nuisance? A. When I had him down before Superintendent Murray in the presence of Mr. Steers and another gentleman, and myself and six witnesses, he first off denied it; and then afterward he says, "Well, I have got to station an officer there continually from morning till night;" Mr. Murray says, "That is what I want you to do;" that was the first time, but the second time when I had him brought down before Murray I stated that to Mr. Murray that my customers are two-thirds ladies, and what did Mr. Williams answer me on that question which I laid before the superintendent; he said, "You haven't had a lady in your place of business, except my wife;" says I, "What; what do you call my customers; prostitutes; whores, vagabonds; what do you call my wife and daughter; says I, "Captain," in the presence of Mr. Murray—now I stated here under oath, "In the presence of those witnesses I challenge you with a duel; I defend my ladies;" but he said, "If I hadn't that suit on yet I would talk to you different;" I said, "Strip it off your rotten body; you are a clubber, and I come and challenge you to a life;" and the superintendent jumps up and says, "Captain, you are wrong, and you, Mr. Bayer, withdraw that challenge;" "Mr. Murray," I said, "I wont withdraw that challenge; I am your prisoner;" "Our country does not allow anybody to challenge anybody with a life;" and that challenge, gentlemen, under oath I am stating here, stands to day yet.

Q. It has never been accepted by him? A. No, sir; and I wish he would accept it.

By Senator Bradley:

Q. You mean this committee to understand that you challenged Superintendent Williams? A. No; the present inspector now.

Q. To a mortal combat, and that he was a coward would not accept it? A. Yes; and that man wronged me to the death with my family, and he wants to say I swore false.

By Mr. Goff:

Q. Do you remember talking to an officer by the name of Wood? A. Yes, sir.

Q. Will you give us the conversation you had with him? A. Mr. Wood is on the police to-day yet; I called Mr. Wood's attention, and he said, "My dear friend, Bayer, I dare not make the arrest;" I ordered him to make the arrest on the sidewalk;

he says, "I tell you why, when I came on the force I was an honest man."

Q. Who was that? A. John W. Wood; "But now I have to state to you, as a member of the fraternity, that I am not;" said I, "Mr. Woods, what do you mean by that;" he says, "I bring a prisoner into the station-house that time I was have seen that he struck the persons, or my eyes have seen a violation, or anything like that; in the morning there comes Captain Williams, who says, "Woods, you have to swear in the negative."

Q. Williams says to him he has to swear in the negative? A. Yes; "I bring a prisoner in I have not seen myself, and in the morning the captain says, you have got to swear positively;" and he says, "Where is my honesty now;" that man, I ordered him to make the arrest of those trucks, and he says he dare not do it; and he has orders from the captain not to make the arrest.

Q. Did you speak to any other policeman in the city? A. I spoke to every one that came on that beat.

Q. What was the general reply you received? A. The general reply I received; "I dare not make the arrest" until I get told by District Attorney Martine; "You go right up to these officers and say I take your number, and I will prosecute you; and if they do not make the arrest then you come to me; I am district attorney of New York city."

Q. That is what Mr. Martine said? A. Yes, sir; and he is on the bench to-day, and he will state I consulted him; and he will state I should go to work and put an injunction on Mr. Maillard for \$50,000 damages, and he will fight \$50,000 out of Mr. Maillard without it costing me one red cent; that is the judge in General Sessions; so far I suffered under the violation of the sidewalk under Mr. Maillard; the packing-boxes came about 20 long; they backed into that factory, and the horses were standing so far in the street that a person could not pass by; that man had to get out six or eight boxes from that truck, and went into the factory wherever they wanted him; and it took him some time, an hour and a half on that sidewalk, only that one truck; and I had to stand that for seven years; seven years, it cost me my fortune and labor spent in the courts in seven years; and I thank the Lord that that investigation committee come from Albany and learn the facts where a man is \$2,000,000 worth; that once I had plenty of money; I had once a place where I am worth \$30,000, and came down to about \$8,000; and I am a hard-working man; and every man that knows Mr. Bayer in this city knows

he is a hard working man; but Maillard ruined me; I did not want his money, but I wanted a sidewalk for my customers to pass by and visit me; I did not want Maillard's money, and he knew I did not want his money; and what he says about Bon Marche; I bring my books down here and lay it before the committee, and show I made only 50 Bon Marche pictures at a price of 37 1-2 cents a piece; and when I intended to collect my bill I had to take off 10 per cent; I said I can not do that; and I bring my books; I have got them, thank the Lord; and I had to wait six months; and I will show it when I received the check; and I could not get it any other way without 10 per cent. off; the second little bill I ever done for Maillard was four French delivering carriages, at 30 cents a piece, and that is \$1.20; and I lay my books before you; I had to wait five years for \$1.20; now, where is there business malice in that matter.

Q. Who collected that money for you; who collected that \$1.20 for you? A. My foreman; he is dead; I wish he was alive; when Captain Williams was present in my place, and he said, "You only do that in malice, and because Maillard don't get the work; I said, "Captain Williams, here is my books;" I said, "Here is an item of \$1.20 stands for five years;" and he said, "Send over and get your money now;" I said, "I have a new bill go over;" and he gave a dollar, a hard American dollar, and two 10-cent pieces, and in presence of Mr. Williams after five years.

Q. Williams collected your bill for you? A. He collected my bill, and he is entitled to a percentage.

Q. Did he ask it; how many years had he been engaged in this conflict with Maillard? A. Seven years.

Q. Have you moved from there? A. I had to move three years ago; I could not manage to pay the rent.

Q. And do you attribute the ruin of your business to this blocking of the sidewalk by the Maillard wagons? A. I take a solemn oath again that I was injured in those two years, between \$35,000 and \$40,000 in my business, and lost my business.

Henry Bayer, Jr., called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Were you present at the Jefferson Market Police Court on the occasion to which your father refers? A. Yes, sir.

Q. What took place there? A. Well, we had, I believe it was a gentleman of the name of Smith of Long Island City, we had one of his drivers arrested; we had that day three arrests, but this was the last one; Mr. Wolfe told Justice Duffy, in our presence, that he was paying \$100 a month for the privilege of blockading the sidewalk; my father said to me, what do you think of that; he says, "That is pretty good;" Mr. Wolfe explained that if as Judge Duffy suggested he would have to keep off the sidewalk because it was a king's highway he would have to employ from six to eight men, and that would be about \$80 a week; that, gentlemen, will show you that at the end of the month it would amount to \$320 wages; by paying his \$100 he was saving \$220 which would bring to Maillard a \$1,000 over the \$100; what he was doing for Maillard, he was injuring us.

Q. Do you know anything about an album that was gotten up to present to Captain Williams in that precinct? A. Yes, sir; I do.

Q. Tell us what you know about that? A. It was during this time that this nuisance was on the sidewalk; Captain Price came in that day; he was at that time a detective; he says, "Is your father in;" and I said, "No, sir; he is not in;" he said, "I guess you will do just the same;" he says, "We are making up a collection for an album for Captain Williams, which is to cost about \$2,000; the lowest amount of money received for this album will be \$2;" he said, "Would you like to contribute \$2;" I said, "No, sir; I am not a member of this firm; you will have to see my father;" with that he walked towards the door inside the store; and he saw a beautiful gold table in the window of Louis XVI style, and he said, "That is a fine piece of work;" I said, "Yes;" he said, "You ought to send that up to the captain;" I said, "What for;" he said, "That you do away with the sidewalk nuisance with Maillard;" after that Detective Dunlap came in reference to that table also; we never sent it.

Q. What did Dunlap say? A. He said, "That is a nice thing you have in the window there," and came around the same as Price, but they never got it.

Q. Did Dunlap say anything about sending to the captain? A. Yes; he said, "You ought to send that up to the old man."

Q. What was the value of that table? A. Well, the table was valued at about \$250.

Q. You had it there for sale as part of your stock? A. Yes; we had it there for sale; the table is in the possession now of Mr. Townsend, 302 West Seventy-third street, I think it is.

Q. During this trouble with Maillard were you arrested? A. Yes, sir; I was.

Q. How did you come to be arrested? A. I was out one evening and got home about half past 10 or 11 o'clock; our house was 164, and on the opposite side of the street 139, some large tenement houses that were more or less infested with prostitutes and there had been several charges and complaints made against those houses by the neighbors; when I was walking through that evening, or that night rather, at that hour, I seen a commotion and a crowd of people on the other side of the way, and I got a little close to it, and the house front runs right on the street, and there was one step, and I stood looking into the hall, and the first I knew I felt somebody grab me in the back and I was pushed into the hall; he says, "You are my prisoner," Mr. Price, I said, "Why;" I said, "You know whom I am; I have nothing to do with this; what are you arresting me for;" he says, "If you don't close your face, I will break it for you;" I did not have a chance to say anything; Price and the present Captain Schmittberger made the raid at that time.

Q. And Schmittberger was then a detective? A. Was there at the time and recognized me, too, and said, "Now we have the two of them; we will show them what we can do in regard to the Maillard suit."

Q. Who? A. Schmittberger and Price; because they knew the trouble we had with Maillard and Captain Williams at the time; I was taken to the station-house and confronted with Captain Williams; he was behind the bench at the time; I said, "Captain, this is an illegal arrest, and I don't see what it is done for;" I said, "You know I am Mr. Bayer's son;" he said, "Yes, I know you;" and kind of boshed away, you know; he says, "Search him;" he searched me; and I said, "Captain, I would like to have somebody go and notify my folks that I get bailed out;" he says, "That is all right; lock him up;" I was locked up for the night, and next morning brought down to Jefferson Market, if I am not mistaken it was Judge Gorman on the bench; there was nobody to appear against me; I stood there all alone, and Judge Gorman said to the officer that brought me down, "What is the charge against this man;" and he said, "I don't know; Captain Price arrested him and he sent him here;" that was Detective Price at that time; Judge Gorman said, "What is the trouble about;" and I explained to him how

I was arrested; "Well," he said, "I tell you young man, take my advice and next time you see a crowd or assemblage on the street, no matter where it be, go and mind your own business;" and he says, "I feel sorry for you that you were locked up over night;" and he gave me an honorable discharge; and that was the first time I ever was a citizen in America, and I was born here; I suffered more that night than in 10 years.

Q. In the cell? A. Yes.

Q. You had plenty of company I suppose? A. Yes.

By Senator Pound:

Q. Was there any other arrests made at the time you were arrested? A. Yes, sir.

Q. What was it? A. A raid on one of these houses; it was not a prostitution house; it was a tenement house and there were more or less of this class of people living there.

Q. Did I understand you to say at the commencement of your narrative on this occasion that Price shoved you into the hall from the street? A. That is right; I was standing on the sidewalk and looking in.

Q. And you felt a push? A. I felt a grab like this(indicating), and thought I was gone sure; I never had a grab like that before.

Mr. Goff.—That is an illustration for this honorable body of the abuses of authority of the police of this city. That will do Mr. Bayer.

Senator O'Connor.—Mr. Goff, wouldn't Judge Duffy be apt to remember if a statement of that kind was true?

Mr. Goff.—He might under normal circumstances and conditions. Judge Duffy has been married recently, and of course all men who go through that ordeal suffer more or less from emotional insanity for some time after the wedding. I do not think that the period after which he could return to his normal condition has yet arrived, Senator.

Senator O'Connor.—Do you want Mr. Wolfe any more, Mr. Goff.

Mr. Goff.—No, sir; that will do Mr. Wolfe; we said yesterday in the discussion of some of these clubbing cases that there were slaughter-houses, so called, in the city of New York. I had in mind two particular station-houses at that time, and here is an illustration of another one.

Patrick Donnelly, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Where do you live? A. Five hundred and twenty-seven East Eighty-fourth street.

Q. You had trouble with the police court very recently, didn't you? A. Yes, sir.

Q. September 27th? A. Yes.

Q. Were you arrested by an officer? A. Yes, sir.

Q. What time of the night was it? A. One o'clock in the morning.

Q. Did you get the officer's name? A. His name is Gunson.

Q. What precinct? A. Sixty-seventh street station-house, I believe; the Twenty-fifth.

Q. Sixty-seventh street station-house? A. East.

Q. What did the officer say to you? A. He asked me if I lived there; I said no, I live in Eighty-fourth street; he said, "Go home;" "I am going;" I walked in front of him to the corner; he said, "Go home, you son-of-a-bitch, go home;" those are the words he expressed; I went across the corner and had some oysters; when I came out the officer was standing talking with a gentleman, a friend of mine, and I said, "Officer, what right had you to call me a son-of-a-bitch any more than any German around on the street;" and I was standing in front of him, about three feet from him with my two hands in my pocket, and he never said a word but came right up and picked me up and threw me right down in the street; when I lay on the sidewalk, I says, "Officer don't kill me on the sidewalk; if you want to take me in, take me in;" he said, "Anyhow, I will just take you in for fun;" he took me down to the station-house and made a charge of drunk and disorderly against me; I was asked my name, where I lived, my occupation, where I was born, and my age; the sergeant at the desk said, "I can not entertain the charge of drunkenness against this man."

Q. The sergeant declared you were not drunk, and would not take the charge? A. Yes, sir.

Q. Now you were in the station-house; tell us what happened there? A. The officer stood there and did not know what charge to make; the sergeant said, "Make it disorderly;" I said, "That is very curious; the officer brought me down here can not make a charge against me." "Shut up, sir."

Q. That is the sergeant? A. Yes; the officer put his hand in my pocket and took out four keys and put them on the desk, and the sergeant says give them to him; take him down; I said, "Sergeant how much bail am I under;" the officer said, "Come on, God damn you; you can not bail yourself."

Q. That was the sergeant? A. Yes; he took me back and got me down the cell, and opened the door, and drew his hand and hit me back in the neck, and drove me right into the urinal of the opposite side of the cell, and the door was locked.

Q. What effect did it have throwing you against the urinal? A. Well, my hands got in and my head was almost stuck into it.

Q. Your head was almost into it? A. Yes sir.

Q. Were you hurt? A. I was hurt previously, before that.

Q. Did that blow and that driving you against the wall, did that hurt you? A. Yes, sir; it hurt me.

Q. Whereabouts? A. Right on this hip. (Indicating right hip.)

Q. And that is sore yet, isn't it? A. Yes.

Q. It was the Sixty-seventh street station? A. Yes, sir.

Q. Who was the sergeant at the desk? A. I couldn't tell you, sir.

Q. That is Captain Strauss's precinct, isn't it? A. I believe so.

Q. You say you got into the cell then; did they shut the door on you? A. Yes, sir.

Q. Anything else happen there? A. I took off my coat and made a pillow of it and laid down on the floor; I laid down there about an hour, and this leg became numb; I had to call the doorman in, and he came in and lifted the leg up, and I said, "I can not lay there, you will have to set me on the seat," and he came around again about 10 minutes and said, "How do you feel;" I said my leg feels bad and sore; I got a terrible hurt; he said, "Shall I send for some one;" I said, "You will have to send for some one;" this was the doorman; in about a quarter of an hour the ambulance surgeon came in and said, "Come out here, I want to see you;" I said, "If you will assist me I will come;" the surgeon and doorman took me by the arms and took me in the station-house and set me down in a chair, and he examined me all over and could not see no cuts and no bruises, and told me I was a fakir.

Q. Told you you were faking? A. Yes, sir; and then he laid me down on the floor and went over my leg again, and told the sergeant he thought it was an attack of rheumatism; they locked me up, and at half-past six in the morning I was taken

out of the cell; I asked the officer going down the steps you will oblige me to ride down in the cable cars; I said, it will be noon before I get there; he said, "I don't care a damn, I will make you go, I will pull you along;" and at Sixty-sixth street there was a liquor store on the opposite corner, on the southwest corner kept by a man of the name of Does; the bartender was looking over the door and I put a hand up to him; and he said, "Do you know that man over there;" I said, "I am slightly acquainted with him;" he said, "Will you take a ball; I am pretty cool;" I said, "I don't feel good and am sick all over;" "Come along," he said, "I will give you a drink," and brought me in there, and had several drinks and we stood there to about 20 minutes of 9 o'clock; I had the privilege of going around to the store and was on the stoop with my shirt sleeves, and everything else, and the policeman and I had breakfast there; it was made up also in the store that I should be turned out in Fifty-seventh street; they call it turn you out when they get a prisoner discharged; at least that is what they told me.

Q. Who paid for the meals and the reckoning? A. I guess it was the man in the store; I did not pay for it; I paid for some of the drinks, though; I went to Fifty-seventh street and limped along, and was brought before the judge; I should say I was three or four minutes in the court; the complaint was against me—I never heard it; I could not tell what it was; the judge said, "Will you go home;" I said, "I will if you allow me;" he said, "You are honorably discharged;" I went back with one of the officers, and one of the witnesses that was there the night before followed me, and the fellow in the store treated, and there were six in it; and they all had whisky; and the officer's drink was whisky too; and this Dougherty was drinking, and he called me a vulgar name; and the language he used from the time he arrested me to the station-house was almost above mentioning.

Q. You say it was put up in the restaurant that you should be turned out? A. In the liquor store.

Q. In the liquor store that you should be turned out? A. Yes, Q. And you were pretty fairly treated? A. Yes.

Q. And when you got down there and did not hear any complaint you were glad to be discharged? A. Yes, sir.

Q. And after that, you went to the liquor store with the same officer? A. Yes, sir.

By Senator Bradley:

Q. And he used some outrageous language? A. Yes, sir.

Q. Was that the same officer that arrested you the night before? A. Yes; Officer Gunson.

By Mr. Moss:

Q. Did you complain about this to any one at headquarters?

A. Yes, sir.

Q. Who did you see? A. Inspector Williams.

Q. What did Williams tell you? A. He told me to be there next morning at 9 o'clock, and that was the 2d of this month, and have witnesses with me.

Q. Were you there? A. I was down in Mulberry street; I could not get no witnesses to come along; the officer was there in my presence in Inspector Williams' office; and he notified me I was to be down there at 9 o'clock the next morning; as soon as he got word in the station-house he reported sick; and got sick leave, and went around; and when I went to see the witnesses to bring them there the next morning, instead of coming with me they were going to eat me.

Q. Your witnesses? A. Yes, sir.

Q. The officer had seen your witnesses? A. Yes, sir; the officer had seen them.

Q. Has anything been done by the headquarters police in this case? A. I never heard anything about it.

By Senator Bradley:

Q. You asked him if any officer had seen the witnesses; he said yes; what proof have you got? A. I was told he was around.

Q. Have you any positive proof that the officer saw and conversed with these witnesses? A. Yes, sir; I was told he was in this store that night by the proprietor.

Q. Who is the proprietor? A. His name is James Does; he told me the officer had been there.

By Senator O'Connor:

Q. Did you know this officer prior to this night in question? A. No, sir; I only had seen him once, and that was one night walking down Sixty-seventh street.

Q. Had you any previous difficulty with him? A. No, sir.

Q. What was he doing? A. He was walking with some girl or woman that they down there said was not his own wife; down toward the Boulevard of the Athletic grounds.

Q. Was that the time he assaulted you? A. No; the first time.

By Senator Bradley:

Q. Did you interfere with him or try to get the girl away from him that night? A. No, sir.

The Chairman.— We will take a recess until quarter of 3. All witnesses subpoenaed will be here promptly at that time.

AFTERNOON SESSION.

October 17, 1894.

Present: Senator Lexow, O'Connor, Bradley, Cantor and Pound.

Mr. Goff.— Mr. Chairman, we purpose this afternoon to introduce a line of testimony that has not been touched heretofore. On the east side of the city, the old Tenth ward and the Seventeenth ward, the lower part of the Seventeenth ward, there is a dense population of foreigners, very many of whom are Hebrews. They are, of course, very industrious, and many of them have little stands upon the street; soda water stands, and stands for the sale of candies and things of that kind. We are informed, and our affidavits go to show, that these poor people, from the soda water fountains that they rent, have to pay protection money, and that that protection money goes into the hands of the manufacturers of the soda water. We propose to follow it from the hands of the manufacturers of the water into the final hands that it reaches. We ask your patience and consideration particularly in these cases, because, few, if any, of the witnesses can speak our language, and, of course, through process of interpretation, it will require patience and attention to weigh it in all its details. I would say further in relation to this matter, that inasmuch as it affects a large class of people residing in this city, we deem it proper to bring it to the attention of the committee. These poor people, coming here ignorant of our English, as well as our laws, have regarded the imposition of this tariff, if I may call it such, as a legitimate thing, and they do not understand the nature of it.

Chairman Lexow.— They regard it as a license to do business.

Mr. Goff.— A regular license, and they consider that they have to pay this, or otherwise they can not earn a livelihood.

Chairman Lexow.— Do you claim that the matter is so notorious that it should have been understood and investigated by the police commissioners, in that way forming a foundation for an indictment of those higher in office?

Mr. Goff.— Yes, sir; undoubtedly so.

Senator O'Connor.— Well, any way, it goes to show a deficiency in their knowledge of the force. These commissioners ought to have known it. They are just as censurable for not knowing that which they should know as they would be for not acting on what they did know.

Mr. Goff.— It is the same as the man who said he would be damned if he knew, and he would be damned if he didn't know.

Chairman Lexow.— It is your purpose to show that this thing is widespread, and should, therefore, be brought out.

Mr. Goff.— In that section of the city.

Senator O'Connor.— Don't you think it would take up less time of the committee to investigate those lines of business that were not blackmail?

Mr. Goff.— If we were to pursue that inverted course we would have to ask the committee to adjourn and meet in Albany, because I have yet failed to find, even through the lense of a most powerful microscope, any line of business that has not been blackmail. }

Chairman Lexow.— I think that that point is important to show that it is widespread; that it is a thing known in the community; because after all we want to get at the source of this corruption, and at the controlling powers that have permitted it.

Mr. Moss.— We have such a large number of these people here that even that fact alone would show that it was widespread.

Samuel Ebert, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Where do you live? A. Two hundred and fifty-six Rivington street.

Q. What is your business? A. I keep a candy and segar store; soda water.

Q. You have a soda water stand? A. Inside.

Q. From whom do you buy your soda water? A. John Matthews.

Q. From whom do you buy your syrups? A. I buy my syrups in drug stores.

Q. Make your own syrups? A. I make my own syrups, yes, sir.

Q. Where is the soda water stand in that place? A. In my store.

Q. Inside the store? A. Inside the store

Q. You don't occupy the street at all? A. No; nothing at all.

Q. When did you put the soda water fountain in? A. In the beginning of the summer, April.

Q. Did you pay anything for a permit to put that in? A. Inside the store?

Q. Yes? A. I didn't have to pay nothing for it.

Q. You are one of the men that signed a petition to the bureau of incumbrances, are you not? A. Yes, sir.

Q. What was that petition about? A. By the incumbrances, a petition.

Q. What did you sign a petition for? A. I didn't sign a petition; I signed an affidavit Monday night.

Q. What was the affidavit? A. Gentlemen, please, I keep a cigar and candy store and soda water inside, and I have to pay high rent; I couldn't make out there, because I have a good many stands that obstruct the sidewalk and I know they are there all the time.

Q. You say the neighborhood of your store is filled with stands and other obstructions? A. Yes, sir.

Q. And you signed some kind of petition against that, didn't you? A. Petition against that.

By Chairman Lexow:

Q. You signed a paper against it? A. Yes; I am against it.

By Senator Bradley:

Q. To have these people removed from there? A. Yes, sir.

By Mr. Moss:

Q. Have they been removed? A. They have been removed by the bureau of incumbrances, but I had to make complaint about two or three dozen, to get them removed once.

Q. What money did you give the soda water man? A. I didn't give the soda water man no money at all, because I deal with John Matthews; he is separate for himself; he never deals with the other soda-water manufacturers.

Q. You mean that he is not a member of the combine? A. No; John Matthews is not a member of the combine.

Q. Did you give John Matthews any money except that which you gave him for water? A. No; I never gave him any money.

Q. What did you go to Inspector Williams about? A. I went to Inspector Williams about the obstruction of the sidewalk; the police department wouldn't take care of it, and the stand is there now, and they keep open the whole night; I went to see Inspector Williams in his office; I didn't find the inspector, only the sergeant; the sergeant told me, "We haven't got no officers to send out; you go up to your captain, to the captain from the ward."

Q. Who is that? A. The captain is Captain Schultz; he shall attend to it; I went to Captain Schultz and I reported, and he stood up like a wild Indian, and he said, "You are a God damned nuisance in your neighborhood; nobody wants to deal with you; you are a God damned nuisance if you go to the bureau of incumbrances; you are a God damned nuisance if you go to the police department; you are a God damned nuisance if you go to the mayor's office; you are a God damned nuisance if you go to the district attorney's office; you are a God damned nuisance anyway; you are a God damned nuisance if you go on the road;" I don't know what he means by that; I know I am a peddler on the road, because I don't make no living in the store.

Q. It didn't make any difference what your occupation was, you were a blankety blank nuisance? A. Yes, sir; he didn't speak to me like a citizen, only just as if I was a dog; "You are a God damned anything; you can go in any department in the city of New York and you can come back and I wouldn't attend to it."

Q. He wouldn't attend to it? A. "I wouldn't attend to it." and the rest he told me to clear out quicker than you can from my office, and he said I am a God damn sheeny.

By Senator Bradley:

Q. What did he say; "You are a God damned sheeny?" A. Yes; I don't know what for; I make my honest living; that is my luck; if I didn't have my child with me I would get a couple of good clubs in my neck.

By Mr. Moss:

Q. Did you get clubbed? A. No; once I would get chased out from the ward; there were two wardmen there; Captain Schultz had to close up those stands for a few days, and after they opened again I went in and saw the sergeant, and there was two wardman; I says, "Sergeant, what for you have closed them five or six days and you have got them opened;" the wardmen stood up and chased me out of the ward.

By Senator Bradley:

Q. Out of the ward or out of the station-house? A. Out of the station-house.

Q. Who did? A. I know one wardman's name, Hussey; I don't know the second.

Q. Hussey chased you? A. That was not Hussey; I know Hussey; the other one has gray sideboards.

By Mr. Moss:

Q. You have detailed what Captain Schultz said to you when you went there, being sent from headquarters; is that all he said? A. All that he said, yes.

Q. You were doing nothing but complaining about the obstructions on the street? A. Yes.

Q. Did you tell him you were sent from headquarters? A. Yes; there was another fellow was with me; his name is Bell-fisky; he went by headquarters; he is here now.

By Chairman Lexow:

Q. What was the general character of the conversation that the captain addressed to you; did he swear all the time; did the captain swear all the time he was speaking to you? A. All the time.

Q. Did he swear all the time? A. Yes, all the time; he called me God damn, may be, about 25 times.

Q. Did you hear him speak to anybody else at the time? A. No; he rang a bell, and he stood up and he was talking to me like a wild Indian.

Q. Did the captain speak to anybody else? A. No.

Q. How long ago was this? A. Last Monday night; Monday afternoon I was in the inspector's office, and Monday night after six o'clock I was by Captain Schultz.

Q. Had you any trouble with Captain Schultz before? A. Well, I was by Captain Schultz Sunday, the day before; there is a liquor store on the corner in the same neighborhood where I live, and he keeps open the side doors, and he sells liquor to children even 8 or 9 years old; the same fellow is there; that is a new man; formerly there was another man; the first Sunday when he came in he let those corners for stands; that is, the liquor dealer, and he takes rent for it, and he has big signs obstructing the sidewalks; I went to Captain Schultz about his violating on Sunday; he sells beer and liquor to children on Sunday.

By Senator Bradley:

Q. Do you ever see the children coming out of there with pails on Sunday? A. Yes; even a whole week, and on Sunday, too; all policemen see it.

By Mr. Moss:

Q. You say you spoke to Captain Schultz about it? A. Yes; that was the first Sunday.

By Chairman Lexow:

Q. What particular reason had you for reporting that to Captain Schultz? A. Well, I told Captain Schultz the particular reason; I told him I am not Dr. Parkhurst.

Q. Speak out loudly? A. Captain Schultz asked me, "What is the reason about your coming to complain of those liquor saloon for violating on Sundays," and I said, "That fellow is not a citizen; he is only about three years in this country."

Q. You are an intelligent man; I am asking you, and you know what I mean, why you went around to Captain Schultz to complain about something that was not your special business? A. I told him, because the same man—I go to that man in good shape and I ask him—I forget his name, the liquor dealer, "Will you keep away those stands, because they will harm my business?"

By Mr. Moss:

Q. You complained about that saloon because the stands around interfered with your business? A. Yes, sir.

Q. What did Captain Schultz say to you? A. Captain Schultz asked me the question; I says to him, "I am not Dr. Parkhurst."

Q. You said to him that you were not Dr. Parkhurst? A. Yes; the only reason that I complained of the saloon keeper, is that he has got signs, and they harm my business; he said to me that he didn't care for Dr. Parkhurst; then in the afternoon he sent the officer there and he had him locked up, and the same fellow had a trial in a police court, and he was fined \$100 bail, the same liquor dealer; well, two Sundays I was away in the country; when I came home, the last Sunday when I came home, they were very strict about the saloons, and I went to Captain Schultz again; the Sunday before last Sunday they were not so strict any more, and I went to Captain Schultz to do that again.

Q. On Sunday before last the strictness was gone? A. The strictness was gone; I went to Captain Schultz again and he wouldn't do it; he says, "You are a customer; you have a right to go in and have a glass of beer or whisky and then go to the court and have a warrant and have him arrested."

Q. You say you went to Captain Schultz on the Sunday before last? A. Yes, sir.

Q. And complained about this saloon? A. Yes, sir.

Q. And he wouldn't do anything? A. No, sir.

Q. And he said, "You are a citizen"? A. Yes, sir.

Q. "Go in and get a glass of whisky, then go to the court and complain"? A. Yes. "And take a warrant out for him;" I said, "I don't go up for it; I am not a special officer; it ain't my business to go to court and take warrants out."

Q. Do you see Captain Schultz looking at you now? A. Yes, I see him now.

Q. That is the man (pointing to Captain Schultz)? A. That is the officer.

Q. You stick to your testimony with him right in front of you?

By Senator Bradley:

Q. You say that that is true before the captain? A. Yes, I say that is true before the captain.

Q. How long have you been in business in that neighborhood? A. Five years.

Q. During the five years that you have been in business there, did anyone connected with the police department ever ask you for any money for protection or anything else; answer my question; did any of the police officials ever ask you for any money for any purpose? A. No.

Nathan J. Walter was duly sworn as an interpreter.

Wolf Lippman, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss: (Through Interpreter Walter.)

Q. Where do you live? A. One hundred and five Orchard street.

Q. Do you keep a store there with soda water in it? A. I don't keep a store, but a stand outside.

Q. You have a soda water fountain inside the stoop line, haven't you? A. Yes, sir.

Q. Who do you buy soda water from? A. Mr. Ginter.

Q. Where does Mr. Ginter keep? A. Nineteenth street.

Q. Did you pay Mr. Ginter any money when you took the stand? A. No, sir.

Q. Who did you pay \$5 to for a permit? A. I gave him \$5 for the purpose of getting a permit, but I didn't receive the permit, and he told me if I wouldn't get my permit he would return the \$5; he returned it two weeks ago.

Q. You say that Mr. Ginter returned the \$5 two weeks ago? A. Yes, sir.

By Chairman Lexow:

Q. When did you get the \$5? A. A few weeks ago.

Q. How many weeks ago? A. Two weeks.

Q. Did you pay the \$5 to Ginter two weeks ago? A. No; I received it.

Q. When did you give it to Ginter? A. April or May.

By Mr. Moss:

Q. Why did Mr. Ginter return you the \$5? A. Mr. Ginter asked me for \$5; he promised to get me a permit, but if he couldn't get it for me that he would return the \$5, which he did two weeks ago.

By Chairman Lexow:

Q. Did you have any conversation with him between the time that you paid him the \$5 and the time he gave it back to you, about the money and the permit? A. Yes, sir.

Q. Did he tell you what kind of a permit it was going to be? A. No.

Q. What did he say to you about it? A. Mr. Ginter promised me a permit; I don't know what kind; Mr. Ginter asked me for it and I gave it to him.

Q. After you paid him the money, you say you had other conversations with him; what were they? A. Nothing at all; no talk about the money at all.

By Mr. Moss:

Q. Did you go to Mr. Ginter to get the money? A. I went to Mr. Ginter for business, and at the same time for the money.

Q. What did you say to him?

By Chairman Lexow:

Q. Who did Ginter say he was going to pay the money to? A. He never told me; I never asked him.

By Mr. Moss:

Q. Did you tell Mr. Ginter that you had told somebody about the \$5? A. No, sir.

Q. You had spoken to some one about it, hadn't you? A. With this gentleman.

Q. You spoke to the gentleman who is now interpreting? A. Yes, sir.

Q. After you spoke to him you went to Mr. Ginter and got the money, didn't you? A. Yes, sir.

Q. And you told Mr. Ginter that you had spoken to this gentleman, didn't you? A. No.

Q. You know that other soda water men pay this \$5, don't you? I heard so.

By Senator Bradley:

Q. Did Mr. Ginter say anything at all about the Lexow committee? A. No, sir.

By Mr. Moss:

Q. What do you know about a collection that was made for Captain Schultz? A. Sometime ago, last April, all the soda water stands had been closed all of a sudden and some people told me that Captain Schultz gave out the order to close all these stands up, and they were closed up about for a few days and then they opened again; so I asked why the stands were closed and why they were opened so suddenly; I asked them whether they gave out any such thing as permits;

they said so; I asked them how it came that Captain Schultz had the stands reopened again so suddenly; they said all they know is that they had no permits and the stands were opened by the orders of Captain Schultz.

Q. You have told this gentleman who is now interpreting that there was a collection of \$800 made for Captain Schultz, or for the captain of the station-house in Delancey street; tell us about that? A. It was an understood fact that a collection had been made for Captain Schultz as well as for Captain Grant, and I heard it; it was general rumor among the stand keepers.

Q. Among the stand keepers and the soda water men, was it? A. Yes, sir.

By Senator Bradley:

Q. Did you subscribe anything toward that? A. No; I belong to the captain of the Eldridge street station; I am not in that district at all.

By Mr. Moss:

Q. You are not in Captain Schultz's district? A. No, sir.

By Senator Bradley:

Q. How long have you been in business? A. This is the first year.

Q. From the time that you paid the money up to the time that the stand was closed did you conduct the business without any interruption? A. No.

Q. Were you ever approached by any police official and asked for any money for the privilege of keeping your stand open? A. No, sir.

Samuel Cohen, witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss: (Through Interpreter Walter.)

Q. You have made statements about your soda water business, haven't you? A. Yes, sir.

Q. Where did you have your soda water stand? A. One hundred and twenty Division street.

Q. After you had had your stand open about three months, the police began to close the stands, didn't they? A. Yes, sir.

Q. And then a policeman came to see you, didn't he? A. Yes, sir.

Q. What did he say to you? A. The policeman came to me and told me not to give any money to anybody; after a few days the manufacturer whom I buy the soda water from came to me and asked me for \$5.

Q. Didn't that policeman tell you that your stand might have to close pretty soon? A. He said that he thought the stand would be closed in a couple of days.

Q. So that you had a kindly warning from the policeman? A. Yes, sir.

Q. He said he was not sure, didn't he? A. He thought so.

Q. Did he tell you why he came to tell you that? A. He came often and took the numbers of different stands.

Q. A few days after you saw Jacobs, and what did he say? A. He sent a man to say that I should go to Jacobs' office.

Q. Where was Jacobs' office, and what was his business? A. One hundred and seventy Suffolk street, a manufacturer of soda water.

Q. The man that you bought soda water from? A. Yes, sir.

Q. Did you go to see Mr. Jacobs? A. I went to see him.

Q. What did he say? A. He told me to give him \$5.

Q. What for? A. He told me to give him \$5 for the purpose of giving it to the corporation office, as all the stands would be taken down if this money is not collected.

Q. What did you tell him? A. I refused to give it to him, and he told me, "I will fix you," and he did so in a few days; he took my stand off.

Q. Jacobs took the stand off, himself, didn't he? A. Yes.

Q. What did he do? A. He took the apparatus away; in a few days afterward the man from the corporation office came and took the stand away; I told him, why should my stand be taken off.

Q. Was another stand put there by Mr. Jacobs right away? A. The man who took the stand down told me to go to Mr. Jacobs and he would put up another stand; Mr. Jacobs told the man who rented the place for the stand to go and build another stand there.

Q. Did he build another stand there? A. Yes, sir.

Q. You saw it? A. Yes.

Q. Is there a general custom among the soda water men to pay \$5 for protection? A. All of them; a collection was made and everybody had to give it.

Q. What do you know about the collecting; tell us about that?
 A. He came and asked me for \$5; I refused, and he took me around to the fellow that keeps a stand at the next corner and he says, "You see, he gives it to me also."

Q. Did he say what the \$5 was for? A. All he told me was to the corporation office.

Q. Did he tell you he was getting it from all the soda water men? A. He said everybody gives.

Q. That is, Mr. Jacobs, your manufacturer? A. Yes, sir.

By Senator Bradley:

Q. The policeman that called on you and asked you for the money, was he in uniform or citizen's clothes; citizen's dress?
 A. Yes, in uniform.

Q. Was he the policeman on beat? A. Yes, sir.

Milah Levy, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by /Mr. Moss: (Through Interpreter Walter.)

Q. Where do you reside? A. Three hundred and sixty-two Cherry street.

Q. Did you have a soda water stand there? A. No, sir; not there.

Q. Where did you have a soda water stand? A. Two hundred and sixty-two Monroe street.

Q. And who did you buy your soda water from? A. From Mr. Wallach.

Q. Where is his place? A. Twenty-five Columbia street.

Q. You had to raise some money to pay the soda water man, didn't you, for your stand? A. Yes, sir; I loaned the money.

Q. How much money was it? A. Ten dollars I gave him the first time.

Q. What was it for? A. He told me that he wouldn't give me the stand until I paid him \$10.

Q. What for? A. He said that was the security.

Q. Didn't he say that he wanted some money for protection?
 A. I gave him after that.

Q. How much did you give him after that? A. Five dollars.

Q. What was that for? A. He told me he would give me a permit.

Q. You thought you needed a permit for the stand, didn't you? A. I understood a permit was needed.

Q. What for; to protect you from the police or corporation officer? A. He told me that it is against the law to stand outside, and a policeman came to me and he wanted to arrest me.

Q. What happened then; had you paid the \$5 then? A. I paid the \$5.

Q. That was the \$5 to Mr. Wallach? A. Yes, sir.

Q. Did you tell the policeman you had paid? A. I told him that I paid \$5, and he said it was all right.

Q. Then he didn't arrest you? A. Then he didn't arrest me.

Q. That was a policeman in uniform, wasn't it? A. In uniform.

Q. Did all the other soda water people pay \$5, do you know? A. I heard that everybody paid.

Q. For protection? A. Yes, sir.

By Senator Bradley:

Q. How did you know that they paid it? A. I have been all over to many stands and they told me the same thing.

By Mr. Moss:

Q. Did Mr. Wallach tell you what he would do with the \$5? A. He told me he would get a permit for me.

Q. You had some trouble to raise that \$5, didn't you? A. I paid the \$5 to him, still I was troubled; I had been down to Clinton street court every day.

Q. That is not what I am asking; you had some trouble to raise the \$5, didn't you; didn't you have to pawn some things to get the money? A. Articles from the house I pawned.

Q. You had to pawn articles from the house to raise the \$5? A. Yes, sir.

Q. What did you pawn? A. Curtains, quilts and things.

Q. You had to pawn your curtains and quilts from your little home to raise that \$5, to get a permit so the police would not trouble you? A. Yes, sir.

Q. Was the money ever returned to you? A. He gave me \$2 back at the end of the season, because the last \$5 which I paid him I didn't have money enough to pay; so I paid him in quarters.

Q. You were short on the last payment, was that it? A. No, sir; I didn't have no money.

Q. You had no money, you were short? A. Yes, sir.

Q. Are you a widow? A. No.

Q. How many children have you? A. Five.

Q. What does your husband do? A. He is a tailor, but he doesn't do anything for the last 11 months.

Q. Out of work? A. Out of work.

Q. And this thing you have talked about has occurred since your husband has been out of work, hasn't it? A. Yes, sir.

Q. While you were trying to do something to keep the wolf from the door? A. Yes, sir.

Q. Did you borrow \$10 when you first took the stand? A. Yes, sir.

By Senator Bradley:

Q. We understand that you paid all together \$15, and got \$2 back? A. Fifteen dollars.

By Mr. Moss:

Q. Didn't you get your security, that \$10, back? A. No.

Q. You got \$2 back out of the \$15? A. Not from the \$15; he wanted to have \$10 on the last payment; but I didn't have any, only \$5; so I gave the balance of \$5 in quarterly payments; and from that money he gave me back \$2.

Senator Bradley.—That is virtually \$15, and she got \$2 back

Morris Levin, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss:

Q. Where do you live? A. No. 195 Forsyth street.

Q. Have you been in the soda water business? A. I had a stand.

Q. Whereabouts? A. In the same house.

Q. Who did you buy soda water from? A. From Mr. Weller.

Q. Where is his place? A. No. 53 Chrystie street.

Q. Did you pay him any money for a permit? A. I paid him \$5, and I took it back two days after.

Q. What? A. I paid him \$5, and I took it right away back.

Q. You took what back? A. Five dollars from him.

Q. When did you take it back? A. A couple of days after.

Q. When did you pay it to him? A. Five months ago.

Q. And you took the \$5 back? A. Back; because I gave him a receipt for the \$5.

Q. You gave him a receipt for the \$5 when you paid him originally? A. Yes, sir.

Q. Why did he pay it back to you? A. He paid it back a couple of days after.

Q. What for? A. The same week I took it back.

Q. Why did you take it back? A. Because I had no money; I gave him the last \$5, and I must have it back.

Q. Why didn't you tell that when you made your statement to this gentleman here before; are you frightened? A. Yes, sir.

Q. What are you frightened about? A. I took back the \$5.

Q. You are frightened now, are you not?

By Senator Bradley:

Q. What are you afraid of; are you afraid to speak out?

By Mr. Moss:

Q. Are you afraid that somebody will trouble you about your testimony? A. No, sir; I ain't afraid; because I can not speak good.

Q. Why didn't you tell this gentleman here that you got back the \$5, when you spoke with him about this—that you got it back? A. He asked me if I had a permit; I said I got no permit because I have none; and to go to the factory and ask him.

Q. Who has been talking to you about this matter; who has been talking to you about coming here? A. The man that brought the papers.

Q. Is that the only man? A. That is the man.

Q. Did anyone else speak to you? A. He gave me a paper, and asked me to come up here in this place.

Q. Where did you see Mr. Weller the last time? A. I didn't see him in a long time.

Q. How long did you keep the stand; how many months? A. Ten months ago.

Q. Did you keep it 10 months? A. Yes, sir.

Q. Did you get your permit? A. I ain't got no permit.

Q. Why didn't the police close you up if you had no permit? A. Nobody troubled me.

Mr. Moss.—I will withdraw this witness for a minute.

Samuel Ebert, recalled, further testified:

Examined by Mr. Moss:

Q. A few minutes ago you failed to testify that you had paid \$5; you wouldn't testify; do you remember that? A. I didn't pay no \$5; I have nothing to pay \$5; I keep a store and deal with John Matthews.

Q. You didn't pay anything to any policeman? A. No.

Q. Or to any dealer for protection? A. I didn't pay no protection to no dealer.

Q. Then what had you to complain about in the matter of protection; why should you complain about protection? A. Because there are stands, and I know they are violating—obstructing sidewalk.

Q. I am not talking about stands; I am talking about protection money; why do you complain about protection money? A. I didn't complain about protection.

Q. This is your signature here, isn't it? (Paper shown witness.) A. That is my signature.

Q. Will you listen while I read this to you? A. Yes, sir.

Mr. Moss.—I call this witness back now on account of the apparent intimidation of that man.

Senator Bradley.—You had better inform this man now that he is liable, in case he makes a false statement here, or commits perjury, to the penalties attached by law to false swearing.

By Mr. Moss:

Q. Do you understand that, sir? A. Yes, sir.

By Chairman Lexow:

Q. Do you know that your oath here is just as binding upon you as though it were in a court of law? A. Court of law.

Q. And that if you tell a lie you can be sent to State prison? A. Yes, sir.

Q. Do you understand that? A. I understand that.

By Senator Bradley:

Q. Tell the truth? A. Yes.

By Mr. Moss :

Q. "New York, September 4, 1894—I am reading now your statement which you signed—? A. September?

Q. September 4, 1894.

Mr. Moss read the following:

"New York, September 4, 1894.

"John W. Goff, Esq., Counsel to Lexow Investigating Committee:

"Dear Sir.—Having read with much admiration your onslaught upon the various corruptions in the city of New York, tolerated by the police officials of this city, we desire to call your attention to one source of revenue to the police department which it seems to us has thus far been slighted although it should not be, for if placed in the scale it would be found to be not one of the least channels of income. We refer to the permanent street stands on which are sold candies, soda water, cigarettes and other such articles of a similar nature. A regular system of taxation was established by a combination formed by one Wallach, soda water manufacturer, Columbia street; Jacobs, soda water manufacturer, Chrystie street; Light Bros., soda water manufacturers, Seventeenth street; Weller, soda water manufacturer, Mott street; Elfers, soda water manufacturer, Tenth street; Ginter, soda water manufacturer,.....; who collected money from all the stand-keepers, and was collected for the purpose of paying the authorities protection money, in order that these stands might be permitted to remain. We can furnish ample proof of these statements, if you will only agree to make it the subject-matter of investigation. These stands has almost brought about the ruin of the small storekeepers, who are trading in the articles kept on these stands, and while the storekeepers have complained to the authorities and the police, they have been continually rebuffed, and have met with no success. We, therefore, implore you that you should give this matter your attention, and we will furnish you with ample evidence."

By Chairman Lexow:

Q. Did you dictate that letter? A. No; we were a committee together; I was, too.

Q. Did you dictate that letter? You know what "dictate" is? A. Yes, sir.

Q. Did you dictate it? A. I signed that letter.

By Senator Bradley:

Q. You agreed to that letter; everything in that letter is true? A. Everything in that letter is true.

Mr. Moss.—This letter is signed by H. Rosenzweig, S. Ebert, Trau, Sam Gross, Philip Brosilord, M. Gertner, H. Baneiger.

By Mr. Moss:

Q. Now, is everything you have stated here true? A. Everything is true.

Q. And true of your own knowledge? A. And true of my own knowledge.

Q. Then you do know that the police collect money from the standkeepers, or that these soda water manufacturers take it from them? A. Yes, sir.

Q. And that it goes to the police?

By Chairman Lexow:

Q. The testimony is that these soda water manufacturers collected the money; is that so? A. Yes, sir.

By Senator Bradley:

Q. You say that that statement signed by you is true? A. Yes, sir; that is true.

Q. That indicts the police saying that the police received the money; now, how do you know that the police received any money; did you ever see any money paid by any soda water standkeeper; did you ever see any money exchanged from the hands of the soda water standkeeper to a policeman's hand? A. Well, I had it exchanged; money from my hand to a policeman's hand.

Q. You paid it yourself? A. A long time ago.

Q. Did you ever pay any money to a policeman? A. Certainly.

Q. How much money did you pay to a policeman? A. I paid to one policeman \$3, twice.

Q. Who was that policeman? A. That is about six or seven years ago.

Q. Who was he? A. Policeman Dietz.

Q. Was he a ward detective? A. He was a policeman from the Board of Health; I had a stand about seven years ago.

Senator Bradley.—He swears that he paid a policeman \$3 twice. That policeman was named Dietz.

By Mr. Moss:

Q. That was in the year 1888, wasn't it? A. Eighteen hundred and eighty-eight.

Q. You then kept a stand yourself? A. I kept, in 1888, a stand myself.

Q. And it was for protection of that stand that you paid the money, wasn't it? A. Yes; I paid money so that I wouldn't get bothered.

By Senator Bradley:

Q. You didn't answer my question; did you ever see a person having a soda water fountain or stand on the street paying any money to a police official for the purpose of keeping that stand on the sidewalk; did you ever see any man or woman hand any money out of their hands into a policeman's hand for that purpose? A. I handed it.

Q. I am talking of when you got up this petition? A. No.

Q. Then you make this statement here and sign your name to it, and you never saw it yourself? A. I didn't make affidavits on this; my affidavits ain't in.

William Jacobs, a witness called on behalf of the State, being duly affirmed, testified as follows:

Examined by Mr. Moss:

Q. You are of 171 Suffolk street? A. Yes, sir.

Q. Soda water manufacturer? A. Yes, sir.

Q. Have you brought the books with you that the subpoena called for? A. I have.

Q. Where are they? A. (Books produced.)

Q. You are secretary of an association of soda water men, are you not? A. Yes, sir.

Q. What is the title of the society? A. Manufacturers' Protective Association.

Q. Who is the president? A. Otto Ronk.

Q. When was it organized? A. The 20th of October, 1893.

Q. Who compose the association; who are in the association?
A. Otto Ronk, Charles Lighte, Nicholas Ginter.

By Chairman Lexow:

Q. What sort of men are they? A. Soda water manufacturers.

By Mr. Moss:

Q. How many? A. Eight of them.

Q. Give us all their names? A. W. Wallach, Ike Ravuck.

Q. How many stands do you control; you are a manufacturer yourself, are you not? A. Yes, sir.

Q. How many stands do you control? A. About 40.

Q. Is that all? A. That is all.

Q. How many stands are controlled by the members of the association? A. I couldn't say.

Q. Can you estimate? A. Not exactly.

Q. Four hundred? A. Something like it.

By Chairman Lexow:

Q. Don't you keep an account of the number of stands controlled by your organization? A. No, sir; I only keep an account of myself.

By Senator Bradley:

Q. Each one keeps an account of his own stands? A. Yes, sir.

By Mr. Moss:

Q. What led to the organization of this society? A. Sir?

Q. What caused this society to be organized? A. The trouble between the manufacturers themselves.

Q. Hasn't there been considerable difficulty about the corporation attorney; the ordinance men, or the police, interfering with the students? A. There has.

Q. And that has been for a number of years, hasn't it? A. Well, several years, I suppose.

Q. What have the police done with your stands? A. The police have done nothing.

Q. What have the corporation people done? A. Removed them.

Q. The cases in which these stands were removed were made upon the testimony of policemen, were they? A. No, sir.

Q. When complaints were made, policemen gave the evidence, didn't they? A. They didn't.

Q. Who did? A. Neighbors, I suppose, storekeepers, such as candy stores and cigar stores, etc.

Q. There is not quite so much trouble as there was, is there? A. Just as much.

Q. What efforts have you made as an association to prevent the trouble? A. Passed a resolution by the board of aldermen to get some permits.

Q. Well, there never have been any permits issued, have there? A. They have.

Q. How recently? A. No more than three months ago.

Q. How many? A. Well, I myself got two then before they adjourned; it was too late; the board of aldermen adjourned and they stopped it.

Q. The first relief of that kind was three months ago? A. Yes, sir.

By Chairman Lexow:

Q. You got two permits for 40 stands? A. Yes, sir.

By Mr. Moss:

Q. A great many of the stands were closed last April? A. They were.

Q. In what precinct? A. In the Seventh and Thirteenth, I believe.

Q. They were closed all at once? A. That I can not say, that they were closed at once.

Q. So far as you know? A. So far as I know.

Q. You had complaints? A. Several of them.

Q. You heard from your people? A. Yes, sir.

Q. And from what you heard you know that about one time these stands were all closed? A. Yes, sir.

Q. How soon after that did they reopen? A. Two days, three days; some of them opened in one day, some of them opened in two days, three days, and so on.

Q. Why were they closed? A. I couldn't tell you.

Q. Why were they opened again? A. I couldn't tell you that; my attorney told me they opened.

Q. Your attorney? A. Yes, sir.

Q. Who is he? A. Mr. John E. Brodsky.

Q. Did you go to your attorney at once when the stands were closed? A. Yes, sir.

Q. Was there any case in court about the stands? A. No, sir.

Q. You didn't go to court? A. Some of them were before the corporation counsel.

Q. But in two days the stands were open? A. Two or three days, but some of them were closed again.

Q. What did you do to get the stands open again? A. I didn't do anything.

Q. What did Mr. Brodsky do? A. Mr. Brodsky told me to open them and stand the consequences; he said, "They will get tired of arresting people and bringing them up;" some were brought before police justices, some were held, some discharged, some put under \$50 bail, some went to Special Sessions.

Q. Prior to three months ago, there was no such thing as a permit for a stand, was there? A. No, sir.

Q. You have heard the testimony of individuals here that \$5 was paid for a permit? A. I have.

Q. What was done with the \$5? A. There was a fund raised for to defray the expenses of the attorney; to pay all those expenses, to get out the permits and so on.

By Senator Bradley:

Q. How many permits were made out? A. Well, I believe there were about 18 or 20.

By Mr. Moss:

Q. Can you name a single case where any permit was got out? A. Yes, sir.

Q. Who? A. Twenty-five Allen street.

Q. Did you have anything to do with getting out the permit? A. No, our attorney did, Mr. Brodsky.

Q. You have heard testimony from soda water people here? A. I have.

Q. That the manufacturers, and, I think, one of them testified, you said that it was necessary to get this money paid so that the police would not trouble them; what have you to say to that?

A. It is not so.

Q. You are going to deny that? A. Yes.

Q. No matter what everybody may say? A. I do.

Q. How much money did you raise? A. How much money did I raise?

Q. Your society; you said there was a fund raised? A. Yes, sir.

Q. How much money was raised? A. About \$300 or \$400.

Q. There were other collections besides that? A. Between ourselves.

Q. But from the dealers you say there was \$300 or \$400 raised? A. Yes, sir.

Q. As much as \$400? A. Between \$300 and \$400.

Q. That was all contributed by these little stand keepers? A. Certainly.

Q. When was that money raised; in April, wasn't it? A. I couldn't exactly say.

Q. It was about the time of the trouble? A. It started from the time we put the apparatus out.

Q. The apparatus had been running some time before the stands were closed? A. Well, some of them run all winter.

Q. Soda water had been sold prior to the time that the stands were closed? A. Yes, sir.

Q. How long by your people? A. Well, for years.

Q. Some stands that never had been closed at all? A. No; more or less; they all had trouble.

Q. These witnesses have testified that when they took your soda water and started a business, they had to pay \$5 for a permit; now, some of these witnesses have paid their money for permits before April; what did you do with that money? A. I don't know that there was any money collected.

By Chairman Lexow:

Q. Will you swear that no money was collected before April? A. I will not.

Q. Will you swear that no money was collected a year ago? A. Yes, sir.

Q. That no money had been collected by you a year ago? A. Yes, sir.

Q. You swear that positively, do you? A. Yes, sir.

Q. When was the first money collected that you remember? A. This year.

Q. When? A. About that time; April, May, March.

Senator Cantor.—I think the witness has testified about five months ago they made a payment of \$500.

Mr. Moss.—They testified when they opened their stands.

By Mr. Moss:

Q. What books have you here? A. If you refer to that book it will tell you the date.

Q. What is this book? A. That is the book in which I keep the records of the association.

Q. Is that a minute book? A. Yes, sir.

Mr. Moss.—I ask that it be marked for identification.

(Marked Exhibit 4.)

By Chairman Lexow:

Q. Who spent the money? A. Who spent the money?

Q. Yes; who got the money to spend? A. The treasurer.

Q. Did he raise all the money that was raised by your association; did he get it all? A. No, sir.

Q. Did he get it all? A. He got all that was raised.

Q. As treasurer? A. As treasurer.

Q. How much was that entire fund? A. Between \$300 and \$400.

Q. You say that you, the dealers, contributed also? A. Yes, sir.

Q. Now, three or four hundred dollars was contributed by these stand men? A. Yes, sir.

Q. How much were the other contributions? A. About \$3,100

Q. By the dealers? A. By the dealers.

Q. Do you mean to say that you paid the counsel \$3,100? A. No, sir; I mean to say we paid them \$3,500. .

Q. For the purpose of passing a single bill or ordinance through the board of aldermen here? A. Why certainly; attend to all the manufacturers' business during the year from the 20th day of October, 1893, to the 20th of October, 1894.

By Mr. Moss:

Q. Do you mean to say that you required your dealers to contribute to the expenses of the manufacturers, do you? A. Most decidedly, we do.

Q. By a special assessment? A. Not assessment; they could give as much as they pleased.

Q. The testimony is that they gave \$5 a piece; why was that sum fixed? A. I don't know.

Q. What book is this (pointing to another book)? A. That is my own.

Q. What is it about? A. My ledger every day of my sales.

Q. That is your personal ledger of sales? A. My personal.

Mr. Moss.—I asked that it be marked for identification. (Marked Exhibit 5.)

By Senator Bradley:

Q. One woman testified that she gave \$15? A. I suppose she paid \$10 rent for the apparatus.

By Chairman Lexow:

Q. Do you mean to say that this money you paid to the lawyer was paid to him to defend any suits that might be brought in violation of the ordinance? A. Yes, sir.

Q. Also the passage of this bill or ordinance? A. Yes, sir.

Q. This lawyer that you paid that to, was he the district leader of a political organization in this city? A. Years ago.

Q. Isn't he now? A. No, sir.

Q. Wasn't he then? A. No, sir.

Senator Cantor.—He used to be Republican leader in the Eighth district.

Chairman Lexow.—He is a Tammany Hall man now.

Senator Bradley.—It don't make any difference as long as he ain't independent.

By Mr. Moss:

Q. What is the treasurer's name? A. Charles Lighte.

Mr. Moss.—Is Mr. Lighte here?

Charles Lighte.—Yes, sir.

Mr. Moss.—Where are your books?

Mr. Lighte.—I haven't got them.

Mr. Moss.—Why?

Mr. Lighte.—I couldn't carry them.

Mr. Moss.—Mr. Lighte, you bring those books to-morrow morning. Hire a truck, but get them here. How many are there?

Mr. Lighte.—I haven't got the books of the society.

Chairman Lexow.—Has a subpoena duces tecum been issued for the production of those books here to-day?

Mr. Moss.—Yes, sir; served on him.

Chairman Lexow.—Is that the best excuse that is given for their non-production?

Mr. Moss.—We will see what he says on the stand.

Charles Lighte, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss:

Q. Your business? A. Mineral waters.

Q. Your place of business? A. Five hundred and nine East Seventeenth street.

Q. You are treasurer of this manufacturers' society? A. Yes, sir.

Q. You received a subpoena to attend here, did you not? A. Yes, sir.

Q. That subpoena requires you to produce books? A. Yes, sir.

Q. You have already stated in open court that you didn't bring the books, because you couldn't carry them? A. They were too heavy; yes, sir.

Q. That subpoena required you to produce the books of your society? A. Of this society?

Q. Yes? A. I haven't got any.

Q. Then why did you say you couldn't produce them because they were too heavy? A. I understood my business books.

By Chairman Lexow:

Q. Your treasurer's books in connection with this society? A. I don't have any; I never put anything down.

By Mr. Moss:

Q. Do you mean to say that you are treasurer of a society and do not put anything down? A. No, sir; the secretary puts it down.

Q. How much money have you handled since you were treasurer? A. I don't know; may be \$150 or \$200.

Q. Altogether? A. Yes, sir; altogether.

Q. Where did that money come from? A. That money came from the members of the society.

Q. And all the money that was collected from the members of the society came to you, didn't it? A. Yes, sir.

By Chairman Lexow:

Q. Every dollar? A. Not that was collected; their dues, what they had to pay; their monthly dues and their initiation fees.

Q. All the moneys of the society went through your hands, didn't they? A. Yes, sir; all.

Q. Everything that was raised for the purposes of the society went through your hands? A. Yes, sir; when I say the dues I mean initiation fees.

Q. You don't know of any other moneys that were raised, but what went through your hands? A. No, sir; I don't know of any other.

Q. Are you under any bond? A. No, sir.

Q. What did you do with the money that was raised from the dealers, any dealers, the standkeepers? A. I didn't raise any.

Q. You got it, didn't you? A. No, sir.

Q. Never received it? A. No, sir.

Q. Never saw it? A. No, sir.

Q. What did you do with your own contribution to the association? A. I took it right there individually.

Q. To whom did you pay it? A. To Mr. Brodsky.

By Senator O'Connor:

Q. What was this money raised for? A. For counsel fees.

Q. Counsel fees to get what? A. I told you I gave it to the lawyer to pay all the arrests; we had some arrests and we had to pay a lawyer to get them out where our customers got arrested.

By Mr. Moss:

Q. That is all you wanted to pay Mr. Brodsky for? A. Yes, sir.

Q. Just to look out for arrests? A. Yes, sir.

Q. Anything to do with passing an ordinance in the board of aldermen? A. For that too yes.

Q. Why didn't you say that first? A. That that was for doing our business in the year.

Q. How much money was raised from the dealers? A. I didn't raise any; I don't know.

Q. How much money was raised from the dealers? A. I don't know.

Q. Who does know? A. I don't know; may be the secretary does.

Q. Don't you, as treasurer, know?

By Chairman Lexow:

Q. The secretary has sworn under oath here that they raised about \$3,500, and that all the money that was raised was put in your hands as treasurer; was that true or false? A. No, sir; it was not true.

Q. Is it false? A. I never received no money.

Q. You say that is false, do you? A. I don't know whether it is false or not; I never received any.

Q. Didn't he pay to you any of the money that he had collected from the dealers? A. No, sir.

Q. Not a cent? A. No, sir.

By Mr. Moss:

Q. How do you know that \$3,500 was paid to Mr. Brodsky? A. I don't know for sure.

Q. What makes you think he got \$3,500? A. I heard so.

Q. Did he ever tell you so? A. No, sir.

Q. Did other members of the society bring their money into the meeting; you say you brought your contribution to the meeting? A. I understood they all brought it down there to Mr. Brodsky.

Q. Did the other members bring it to the meeting? A. No, sir.

Q. You mean to say that they took it down to Mr. Brodsky's office? A. So I understood.

Q. Each man by himself? A. Each man by himself.

Q. How much did you contribute? A. Seven hundred and fifty dollars.

Q. Did you give that to Mr. Brodsky with your own hands? A. Yes, sir.

Q. What did you say to him when you gave it to him? A. I didn't say anything as I know of.

Q. This matter, no matter what you have done, is of very much less consequence than giving of false testimony would be; or giving mistaken testimony; there has been too much of that upon the stand, and people come to grief that do it; now let us try and have the truth, fully and fairly, the whole truth? A. Certainly; I will tell the truth; but I will not swear to anything that I am not sure of.

By Chairman Lexow:

Q. What did that \$750 represent—your personal contribution?

A. Our firm's.

Q. Did that include any moneys paid by the dealers to whom you sold? A. No, sir.

Q. Didn't you raise a dollar from them? A. No, sir; we didn't raise not a dollar.

Q. And haven't you since? A. No, sir.

By Mr. Moss:

Q. What did you say to Mr. Brodsky when you handed him your \$750? A. I don't remember now what was said; what was said was all said before.

Q. What was said before about your giving \$750? A. Well, this was for his fees and for his trouble.

Q. Was this what was said? A. Yes, sir.

Q. For his fees and trouble in what? A. In getting the permits.

Q. Where was that said? A. In his office.

Q. When; how long before you paid the money? A. I don't remember that.

Q. Can you not give about the date? A. Sometime in the summer.

Q. How was \$750 fixed as your proportion? A. There was part of it in cash.

Q. How did you arrive at that amount?

Senator Bradley.—As your pro rata share?

A. That was done according to the amount each man done; each manufacturer done; it was fixed that way.

Q. Now tell me what each man was assessed; you were assessed \$750? A. Yes, sir.

Q. Now, Mr. Weller was assessed how much? A. I couldn't tell you exactly.

By Chairman Lexow:

Q. Did you have more stands out than the other men? A. No.

Q. How many did you have out? A. I think about 75 or 80.

By Mr. Moss:

Q. You eight manufacturers made up these \$3,500 yourselves, didn't you? A. We made up what was paid in; I don't know exactly how much.

Q. The \$3,500 was paid in; that was the understanding? A. No; the rest of them paid what they agreed to pay.

Q. The sum agreed upon was \$3,500? A. Yes, sir.

Q. You heard Mr. Brodsky say that he wanted \$3,500? A. I think that is it; I am not sure.

Q. How sure are you; why do you say you think? A. Because I didn't see it given.

Q. Is that what is in your mind, \$3,500? A. Yes, sir.

Q. Was that in your mind before you came here, or do you think it simply because I named the sum? A. No, I think so; I think that is the amount.

Q. You had that in your mind before you came here? A. Yes, sir.

Q. And you know that that \$3,500 was contributed by the dealers, don't you? A. By the manufacturers.

Q. All the money that was paid to Mr. Brodsky was paid by the manufacturers? A. By the manufacturers.

Q. Was there a contribution? A. The way I understand, because I was not there when all the money was paid over.

Q. While you were there there were no dealers coming in giving money to Brodsky, were there? A. No, sir.

Q. You know about this \$5 that has been collected from the different leaders? A. I heard so.

Q. You heard a great deal about that; and your own dealers have had to pay the \$5 too? A. Not to us.

Q. Well, they paid it to somebody? A. I don't know whether they did or not; I don't think they did.

Q. Your own dealers, you said you understood they paid \$5 apiece too; who did they pay it to, the standkeepers? A. They might have paid it, I don't know.

Q. You said you thought they had; who do you think they paid it to? A. I don't know; I couldn't tell.

Q. Have you no information? A. No, sir.

Q. You didn't see any dealers giving money to Mr. Brodsky, did you? A. No, sir.

Q. You didn't see anyone representing the dealers giving money to Mr. Brodsky? A. No, sir.

Q. You didn't see any money given to him stated to come from the dealers, did you? A. No, sir.

Q. Who else paid money to Mr. Brodsky while you did? A. I don't remember; I don't remember as any of them did.

Q. Have you any knowledge of any other members of your society paying Brodsky? A. No more than I heard this was paid; every one of the manufacturers went down and paid it.

Q. You have monthly dues in your society, haven't you? A. Yes, sir.

Q. How much are they? A. A dollar a month.

Q. And each member pays that, I suppose? A. Each member pays that.

Q. How do you know? A. The secretary knows.

Q. How can you show it? A. I got this money.

Q. But how can you show it? A. I didn't put it down.

Q. What do you do with this money? A. I keep it and put it out for different expenses.

Q. For what expenses? A. I don't know as there has been any paid out; for books and one thing and another.

Q. How much money have you received since you have been treasurer? A. I don't know; about a couple of hundred dollars.

Q. How much money have you paid out since you have been treasurer? A. I paid out a little over \$100.

Q. How much have you got now as treasurer? A. I don't know exactly.

Q. How could you find out? A. I would have to ask the secretary.

Q. Now, isn't it a fact that the secretary does all the fine business of this society? A. He has got the books.

Q. Isn't it a fact that he does all the fine work of the society? A. He does all the bookkeeping and everything.

Q. And whatever is necessary in coming into contact with other individuals who may have an interest in the soda water business you leave to him, don't you; if there is any hiring of counsel he does it, doesn't he? A. They are hired by us all.

Q. He does the work, doesn't he? A. No; there is generally a committee.

Q. How about lobbying; does he attend to that? A. What?

Q. Lobbying an ordinance through the board of aldermen, does he attend to that? A. I don't know.

Q. Who did attend to that? A. Brodsky attended to it first.

Q. Who got Brodsky to attend to it? A. We got him together.

Q. Who went down together, all eight of you? A. No; perhaps five or six, or as many as would go.

Q. What did you tell Mr. Brodsky to do about this ordinance? A. Well, we were talking about permits.

By Senator Bradley:

Q. Do you want it to go abroad to the public that you as a business man, employing a lot of men and doing a lot of business, do you want it to be spread out in the papers to-morrow morning that your books were so heavy that you couldn't carry them here to-day, and that you are treasurer of an association, and you keep no books, and you keep no account of money you received or money you paid out; do you want the public to understand that or do you not? A. Well, it is the truth; I haven't done it.

By Senator O'Connor:

Q. How many men constitute this association? A. Eight.
Senator Bradley.—No matter, if there were only two men, he ought to keep an account of it.

By Senator Bradley:

Q. Now, do you want the public to understand, through the public press to-morrow morning, that you do business that way; that you so neglect your business that you keep no account, and that the secretary can call upon you to-morrow morning for \$500 and you can not say whether you owe it to the society or not? A. I trusted the secretary.

Q. You don't trust to your drivers, do you, about delivering goods? A. No, sir.

By Mr. Moss:

Q. You are one of the largest manufacturers of soda water in the city? A. Yes, sir.

Q. The largest, with the exception perhaps of Matthews? A. I think Shultz's is larger.

Q. You have a pretty extensive business? A. Yes, sir.

Q. And in that business you are very careful? A. Yes, sir.

Q. Keep very accurate accounts? A. Yes, sir.

Q. You have almost a wagon load of books at your place? A. Yes, sir; we have three bookkeepers all the time.

Q. Have you ever had one of your bookkeepers keep the accounts of this society? A. No, sir.

Q. Are there any other books in existence connected with this society besides this book here to your knowledge? A. Not as I know of.

William Jacobs, recalled, further testified:

Examined by Mr. Moss:

Q. Are there any other books of the society besides these? A. No.

Q. Are there any showing dues received and moneys paid out? A. This one. (Pointing to book.)

Q. Are these the original books of the association? A. That is all.

Q. There never have been any other books? A. No, sir.

Q. Since the organization? A. Since the organization.

Q. Are there any other books or accounts in existence besides these two books? A. No, sir.

Mr. Moss.—We will leave these books in the custody of the committee over night.

Senator O'Connor.—All witnesses subpoenaed for to-morrow and not sworn will be here to-morrow at half-past 10 o'clock.

Mr. Moss.—And the witnesses that have been sworn, too.

Senator O'Connor.—And the witness now on the stand will be here also. The committee stands adjourned until half-past 10 o'clock to-morrow morning.

Proceedings of the forty-eighth session of the committee, Thursday, October 18, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, George W. Robertson and Jacob A. Cantor.

Mr. Moss.—Mr. Chairman, we have discussed, at some length, the question of going up higher, the obvious purpose of the discussion being to inquire whether or not it was not time to call the commissioners and interrogate them concerning the abuses which we have discovered, and proofs of which we have made. We have suggested that the time was not ripe because the indictment was not yet complete. There is an impression in our minds that when we have completed the examinations of the commissioners we will have reached a culminating point, after which it would be very difficult to interest the committee and the public in the matter of minor derelictions. This investigation has been a very broad one. We have covered the entire ground as far as we have gone, and it is our purpose to cover the whole ground, and make a complete and harmonious end of the matter. Undoubtedly there will have to be a reorganization of the police force after this examination is complete, and, in the natural course of events, old policemen will have a preference in any reorganization which may take place. As it stands now, the entire force rests under an imputation. It can not be otherwise. The heads of the force are shown, inferentially, to be corrupt and negligent, and the corrupt head must, more or less, corrupt the whole body. On the other hand, it may be said, that after a searching investigation like this is completed, those officers whose names have not been brought into it, and against whom nothing has been said directly, may be said to have passed through the fire unscathed. There is a great future to be considered, and this investigation should be so thorough that as far as possible every guilty man shall be known; at least, those in higher positions. It would be impossible, I suppose, to cover the patrolmen in that way, but those in higher places should be found out; so that every honest man shall be exonerated, and every guilty man punished, or prevented from getting into the newly organized force.

Chairman Lexow.—Pardon the interruption, Mr. Moss. You do not consider it the province of this committee to try individual cases for the purpose of fastening upon individuals specific charges?

Mr. Moss.—No, sir.

Chairman Lexow.—It is only for the purpose of ascertaining the system under which the department is being conducted, with a view to remedial legislation, meeting the requirements of the case.

Mr. Moss.—And that system is shown by the extent of the corruption, the extent of the cases which we are revealing to this committee. In providing remedial legislation, the Legislature will have to consider the evils which have grown up under this system, that they may be wise enough to provide in a new system against the same amount of vice; to hedge in and provide against those vices.

Chairman Lexow.—You do not claim, Mr. Moss, do you, that in a department maintaining a force of 4,000 men, there can be absolute purity? There will always be individual cases of oppression.

Mr. Moss.—Yes, and for that reason.

Chairman Lexow.—And we can not expect, and this community can not expect that 4,000 policemen shall, each and every one of them, be absolutely virtuous and absolutely uncontaminable.

Mr. Moss.—Quite true.

Chairman Lexow.—All we can expect, and that is what I intended by the remark which I made yesterday, is, that where the character of crime is so well defined and known throughout the community, that every man and woman in this community is well aware of its existence, that fact ought to be demonstrated in order to charge the police commissioners with at least evasion of duty, and if they have evaded their duty they are just as culpable practically as the men who committed the crime.

Mr. Moss.—And, for the reason that it is absolutely impossible to get perfection in a force of 4,000 men, we want to know what kind of abuses have grown up in this system, and then the new system which shall be devised will prevent the recurrence of the specific disorders which we discover here. A great many of the things which we have revealed could be prevented by a proper system. It was suggested by a criticism that is entitled to consideration, considering the source from which it came, that we were in error the other day in saying that this investigation where it touched the common people was appealing to the popular man, that we were in error in looking to the popular mind at all, that our whole province was to look to the Legislature. Now, I would suggest, your honors, that the criticism is ill-founded, because legislation to be effective, legislation to be right, must be founded upon a popular demand, and when legislation is radical, perhaps to the overturning of a long established system, it is not proper legislation, it is not correct

legislation, if it does not proceed upon a conviction resting firmly and deeply in the minds of the people. And the people who have to come in contact with this system primarily, and in a way in which they can not defend themselves, those are the people who are tremendously interested in this investigation and in the outcome of it. And we want to know now how this system affects those people, so that we can protect them, and anything that appeals to them and opens their mouths and brings them to the witness chair so that they can tell us events that we, as counsel, did not dream of, assists the investigation and assists legislation. It is far from our intention to bring out these matters or appeal to the popular mind for any ulterior reason.

Chairman Lexow.—I agree with you entirely, Mr. Moss, but I think it could be based on another proposition; I do not think that this committee's province is for the purpose of manufacturing or making any public sentiment upon any question, but I think it is the province of the highest legislative body in this State, where they find the law of the land violated against poor and defenseless people, that they should intervene for the benefit of those people far more than for those who can protect themselves.

Mr. Moss.—It is the province of the committee to hear that sentiment, to give an opportunity to the popular voice so that it may be heard, that voice that has been muzzled so long. Coming to the soda water investigation, I find that we placed the witness, Ebert, in a false position yesterday, and in justice to him, and for the purpose of clearing the atmosphere, I would like to make a statement concerning his evidence. He was a voluble witness. It was difficult to understand him intelligibly and place him in his proper position here for that reason. Then I think I myself misunderstood information that came to me. I was informed that Mr. Ebert himself had recently paid money for his soda water protection, although he kept a store. My information was somewhat true. It turned out, after some questioning by Senator Bradley on a new investigation, that he had paid money for soda water privileges, but that it was several years ago when he, himself, had a stand. That explains my persistence in asking him whether he had paid or not, and his peremptory manner in declaring that he had not paid. The witness, Ebert, was a member of an association of storekeepers who knew that the standkeepers were

paying for privileges which were given to them in violation of law; the privilege of obstructing the sidewalk, and taking to themselves the custom which belonged to the storekeepers, and which they were entitled to because they were paying rent. These gentlemen united in a protest to police headquarters. They saw Inspector Williams, and were referred by him to Captain Schultz, and the witness' excited declamations show the nature of his interview with Captain Schultz in an effort to have this violation of the law stopped. So we must remember that Mr. Ebert is not one of that class who paid money for protection. He was complaining because of the effect upon his business of their violation of the law, for which privilege they had paid. I think that makes his position clear, and relieves him from a misunderstanding which would be detrimental to him.

Chairman Lexow.— There was a point in that testimony which you did not seem to lay any stress upon, but which seemed to me to be very important and very vital. I refer to the actions of at least three police captains about whom testimony has been given. It is to the effect that when witnesses appear before them they are treated to a volume of profane language. It seems to me that a citizen should be protected when he reaches the desk of a police captain against outrageous treatment of that kind.

Mr. Moss.— Yes, but the difficulty is, that when we come to preferring charges against a police officer on these grounds, the conduct occurs before a large number of policemen, and there are no corroborating witnesses for the complainant. There are cases upon cases at headquarters where such complaints have been made, and the judgment has had to be an acquittal because of the preponderance of testimony in favor of the police. In the cases of clubbing which we brought before your notice officially the other day, we brought only the convicted cases; but there are volumes of cases where there have been acquittals because of the combined testimony of the police officers.

Chairman Lexow.— The air was blue with perjury.

Mr. Moss.— Yes, and Commissioner Voorhis once expressed to me himself the same opinion.

Senator Bradley.— That is the reason that I suggested that a policeman should be removed from the trial room at headquarters to Jefferson Market. As long as he didn't know what perjury was, that is the reason I said he could be sent there.

Mr. Moss.—Is Phillip Wissing here? (No reply.)

Mr. Moss.—If Mr. Wissing were present it was my intention to interrupt the examination so as not to take the time of the statesmen unnecessarily.

Charles Lighte, recalled, further testified:

Examined by Mr. Moss:

Q. Have you discovered any books of the association since last night? A. No, sir.

Q. Have you refreshed your memory in the matters about which we questioned you? A. Not more than before.

By Chairman Lexow:

Q. Have you tried to refresh your memory? A. Yes, sir; I have.

By Mr. Moss:

Q. Do you know how much money you have received from the association? A. No, sir.

Q. Have you looked for any memoranda to refresh your mind? A. I looked for some, but I haven't got them.

Q. Have you looked for any vouchers for moneys that you have paid out? A. Yes, sir.

Q. Have you found any? A. No, sir.

By Chairman Lexow:

Q. Is it because you didn't keep any? A. No, I kept a few, but I lost them some time ago.

By Mr. Moss:

Q. How did you lose them? A. I lost them in my pocket with several other papers, about four or five months ago.

Q. Where were you when you lost them? A. Somewheres on the road; I lost them outside.

Q. Did you have a voucher from Mr. Brodsky?

Chairman Lexow.—A receipt.

A. No, sir

Q. You know what I mean by a voucher, don't you? A. Yes, sir; a receipt.

Q. Didn't you take any receipt from Mr. Brodsky when you paid him? A. No, sir.

Q. How did you pay him? A. I paid him in check.

Q. Have you got that check? A. No, sir; it has not come back yet from the bank.

Q. Will you ask for that check from your bank? A. Yes, sir.

Q. And bring it to us as soon as you get it? A. Yes, sir.

Q. What conversation did you have with fellow members of your association just prior to your taking the \$750 to Mr. Brodsky? A. I didn't take that all at one time.

Q. What conversation did you have at various times as to the purpose of that money? A. As I said last night, it should be for counsel fees and for his labor in getting the permit, you know.

Q. In getting permits? A. Yes.

Q. Well, how many permits did Mr. Brodsky get? A. I don't know of any.

Q. He didn't get you any permits? A. Not as I know of, no.

Q. How many stands do you control? A. About 80.

Q. When your soda water dealers got into trouble, received corporation notices, did they bring them to you? A. Sometimes the standkeepers would bring them to us.

Q. How many times did the standkeepers bring notices? A. I couldn't tell exactly.

Q. About how many? A. He brought them during the summer at different times.

Q. How many; a dozen? A. About a dozen or two dozen, something like that.

Q. Not more than two dozen? A. No, sir; something like that.

Q. What did you do with those complaints or notices? A. Some of them were taken to our secretary.

Q. To Mr. Jacobs? A. Yes, and some of them, some of the drivers took them down to Brodsky; I sent them with the drivers.

Q. What did Mr. Brodsky do with them, do you know? A. I couldn't tell you.

Q. Did he report to you? A. No, sir.

Q. How many notices of that kind did Mr. Brodsky handle that you know about? A. Well, I don't know; that I couldn't tell you.

Q. About how many, 10? A. I couldn't tell you; it might be 10 and it might be 100.

Q. You don't mean to say that it would vary from 10 to 100; the notices that you know about? A. It might be, because I very seldom was down there.

Q. You don't know how many? A. No, sir.

Q. That is what I asked you? A. I don't know how many; no.

Q. Would they amount to 10 that you know of yourself? A. They would; our own; it might be two dozen.

Q. It may be two dozen, but not more than that? A. Not more than that; no, sir.

Q. You say the labor of Mr. Brodsky was to secure the passage of the ordinance, wasn't it? A. I think it was.

Q. You say you think so, wasn't it so? A. I think it was.

By Senator Bradley:

Q. Are you not sure it was; no guessing about it? A. No; I am not sure.

By Mr. Moss:

Q. Then what is the foundation for your guess; what makes you say you believe it was? A. Because it seemed that the standkeepers were satisfied; I don't know; some way or other.

Q. Why do you say that Mr. Brodsky was to attempt to get an ordinance passed; did you talk that over with Mr. Jacobs? A. Yes, sir; we talked it over together.

Q. Was it understood between you and Mr. Jacobs that that was part of Brodsky's work? A. Yes, sir.

Q. Did you speak of it to Mr. Brodsky? A. I think we did; yes.

Q. You did speak to Mr. Brodsky about it? A. Yes.

Q. Did Mr. Brodsky say he would endeavor to have an ordinance passed? A. He would try.

Q. He said he would try? A. Yes.

Q. And you understood that that was part of his duties? A. His labor.

Q. And that was part of a conversation with Brodsky as well as the conversation with Jacobs? A. Yes.

Q. Did you not discuss that at your meetings? A. Yes, sir.

Q. That was part of the retainer then; have you read the morning newspapers? A. No, sir.

- . Have you read anything about the soda water investigation since you testified? A. No, sir.
- . Haven't you read what Mr. Brodsky has stated in one of the newspapers this morning to say about that retainer? A. I haven't looked in any paper.
- . Then if Mr. Brodsky was correctly reported in the newspapers as saying that there was no retainer for getting an ordinance passed; there was nothing said about his getting an ordinance passed; that he had nothing to do about getting an ordinance passed; he is mistaken, isn't he? A. I don't know.
- . Well, so far as your hearing went he was mistaken? A. He is mistaken; yes.
- . You say he talked with you about that? A. Yes, sir.
- . And you had that idea the day when you paid him the \$10, didn't you? A. Yes.
- . That you were to be relieved of a great deal of this annoyance by having an ordinance passed? A. As far as I understand this thing we talked of was for his labor.
- . In getting this ordinance passed? A. Yes.
- . And in looking after cases? A. Yes, sir; looking after arrests, arrests and such.
- . Mr. Brodsky was very successful in the arrests cases, isn't he? A. So far as I know he got them clear.
- . You don't know of anyone who was convicted or fined that was a stand whom Mr. Brodsky represented, do you? A. No more than I heard; I heard some were fined.
- . How many? A. That I couldn't tell.
- . About how many? A. I only heard that some were fined; I couldn't tell whether there was one or two; or five or a dozen.
- . You haven't heard of as many as a dozen, have you? A. No.
- . How many cases do you think Mr. Brodsky had altogether; did he send him 25? A. That I don't know; we had a good many during the summer.
- . Do you remember when the stands were all closed up during April? A. Yes; not all; part of them.
- . The stands in one precinct were closed, weren't they? A. I heard.
- . You know it from the complaints of your dealers, don't you? A. Yes; I know of some complaints.

Q. And while the stands in one precinct were closed, the stands in another precinct were not closed; that is true, isn't it?
A. I guess so; so I heard.

Q. From your dealers; now, in whose precinct were the stands kept open? A. I can not tell.

Q. Wasn't it in Captain Schultz's precinct that the stands were kept open? A. I don't know; I don't think so.

Q. Well, it was in Captain Schultz's precinct that they were closed? A. Yes, sir.

Q. And in the adjoining precinct, the Madison street station, the stands were not closed at all? A. I don't think they were.

Q. That was Captain Grant's station? A. Yes, sir.

Q. Will you tell me why it was that the stands in Captain Schultz's precinct were all closed at once, while the stands across the line in Captain Grant's precinct were allowed to remain open? A. I couldn't tell.

Q. Have you any information on that subject? A. No, sir, never heard.

Q. What was done to get the stands open in Captain Schultz's precinct? A. I don't know.

Q. What have you heard upon this subject? A. I don't know as I have heard anything.

Q. You know they all opened within a few days, don't you? A. I know they all opened.

Q. You were deeply interested in that because you had customers, weren't you? A. I had customers; yes, sir.

Q. What did you do in order to get the stands open again? A. I didn't do anything.

Q. You just remained passive? A. Yes, sir.

Q. I think I know what you did; you left it to Jacobs, didn't you? A. No; I never spoke to Jacobs about that.

Q. Who did you speak to about this great interruption with your business? A. I don't know as I spoke to anybody.

Q. You didn't think about it at all? A. No, sir.

Q. Weren't interested in it? A. No, sir; not that time.

Q. When were you interested in it? A. Well, during all the summer.

Q. You heard the rumor that a collection was made for Captain Schultz, haven't you? A. I think I heard something about it.

Q. Now, from what class of people did you hear that rumor?

A. I heard it from my help.

Q. From the help in your establishment? A. Yes, sir.

Q. And didn't you hear it from your dealers? A. No, sir.

Q. Well, how did the help of your establishment hear anything about the making up of a purse for Captain Schultz? A. They heard it on the route; I don't know how they heard it.

Q. Did you ask them where they had heard it? A. No, sir.

Q. Why didn't you ask them? A. I was not interested; I didn't care to ask about it.

Q. You were not interested in the matter concerning the retail dealers? A. I didn't care about it.

Q. Didn't care about it? A. No, sir.

Q. According to the rumor, who paid the money? A. I don't know.

Q. Who subscribed? A. I don't know.

Q. Who told you the rumor? A. I couldn't tell you now; I heard it from some of the help.

Q. What did they tell you? A. That I couldn't tell exactly.

Q. Give us the substance of what they said? A. I couldn't tell you.

Q. Did they connect your name with it? A. No, sir; not as I know of.

Q. Did they say you were supposed to have contributed to it? A. No, sir.

Q. Did they mention Mr. Jacobs' name in it? A. No, sir.

Q. How much money was the rumor? A. I don't know; I never heard.

Q. Now, tell us what the rumor was that you did hear; put it in your own language; I don't want to put it in your own mouth; tell me what was that rumor that you heard? A. All I heard is that there was something of that kind done, that is all.

Q. That there was to be something done? A. Yes, I never heard whether it was done or not done.

Q. That is a little different; you heard there was going to be a collection taken up for Captain Schultz? A. Through my help.

Q. When did you hear it? A. That I couldn't tell; I don't remember when it was; some time in the summer.

Q. Was it in April? A. I don't remember.

Q. Was it in the early summer? A. The early part of the summer.

Q. About the beginning of the soda water season, wasn't it? A. Yes, sir.

Q. And it was pretty close to the time when the stands were closed, wasn't it? A. About that time.

Q. And after you heard that rumor the stands were opened, weren't they? A. A few days after.

Q. Weren't you asked to subscribe to that collection? A. No, sir; not as I know of.

Q. Why did you say that? A. Because I didn't hear anything of the kind.

Q. You might have been asked to subscribe and not know of it, mightn't you? A. I don't know.

Q. You might have been asked to subscribe and not know anything about it, might you? Why do you hesitate? A. I don't think I would.

Q. Well, you might? A. If I had been asked I would know now.

Q. And yet you are in doubt whether you were asked or not? A. I said I was not asked.

Q. But up to this point you had been very doubtful about it, isn't that so? A. No.

Q. You have cleared away the cobwebs now? A. I was not asked as I know of, no.

Q. You say again you were not asked as you know of? Why do you add those four words "that I know of?" A. Well, I am sure I was not asked.

Q. May not some one of your firm been asked to contribute? A. No, I don't think so.

Q. Do you know that they were not? A. I am not sure, no.

Q. You are not sure? A. No.

Q. You didn't look upon it as an extraordinary thing at all, did you, that some collection should be made up? A. No.

Q. No, you say. That hadn't been done before, hadn't it? A. I don't know.

Q. Well, you had heard of it being done before? A. Yes.

Q. You have been in the soda water business a long time? A. A good many years.

Q. And this circumstances of taking up a collection for Captain Schultz was not an extraordinary thing and therefore it

did not make any impression on your mind, is that so. Yes or no to that? A. That is so.

Q. You say that is so, don't you? A. Yes sir.

Q. How many times before have you heard of collections being made for police captains or other political officials? A. Several times.

Q. For what captains? A. That I don't know; for different captains.

Q. In that same precinct or in other precincts? A. In all of them.

Q. In all of them?

Senator Bradley.—All of the precincts?

Q. All the down town precincts? A. Yes sir.

Q. Then you mean to say that it is a very common thing, a very general and understood thing? A. Yes, sir.

Q. And that is a very common explanation for what seemed to be a strange freak of yours in not taking any interest in this subscription; it is a very good explanation of it, is it? A. Yes, sir.

Q. You look out upon that as one of the necessary expenses of the soda water business; didn't you? A. No, sir.

Q. Well, as one of the expenses that you couldn't get rid of very easily? A. No, sir; we practically didn't care anything at all about it; we would just as lieve take our stands in as leave them out.

Q. You would as lieve take them in? A. Sooner take them in than leave them out.

Q. Then did I understand that this collection was to be made from the standkeeper? A. I don't know.

Q. I would infer that from your statement; you place your indifference upon the standkeepers; you would just as lieve take your stands in as leave them out? A. Yes, sir.

Q. And so it must have been that the collection was to be made from the standkeepers? A. They had to do that themselves, yes.

Q. Now tell us from your experience in the past how those collections were made up? A. The collections we made up we always charged in rent.

Q. You always charged it to rent to the standkeepers? A. Yes; we always charged from \$3 to \$200 rent.

Q. And you included in that charge enough for that collection? A. For our own expenses.

Q. And that included the collection, didn't it? A. No, sir.

Q. Well, I have asked you how the collection was made up; you say it was made up from the standkeepers? A. What we do we do, direct, ourselves and we charge that for rent.

Q. You charge the collection into the rent for the standkeepers; now, that rent for common stands such as these witnesses have testified, would be about \$10, wouldn't it—these ordinary street stands on Orchard and Suffolk streets? A. Ten dollars for one customer.

Q. A rent of \$10 for the season? A. No, it is from \$3 to \$200.

Q. And ordinary stands, such as these people have testified to what would be the rent charged to them? A. From \$3 to \$25.

Q. And the sum that was charged ostensibly for permits, that entered into the matter too, didn't it? A. Permit, no, sir.

Q. You know that money has been obtained from standkeepers for permits, don't you? A. I heard so.

Q. And money has been paid into your firm for permits, hasn't it? A. No, sir.

Q. If we produce testimony here that money has been paid unto your firm for permits, do you mean to say that that testimony is false? A. Yes, sir; only rent.

Q. You only charged rent? A. Rent, yes, sir.

Q. And never have understood that you were charging for a permit; if you understood that you were charging for a permit you think they were mistaken? A. Yes, sir.

Q. But in that rent you charged, running from \$3 to \$25, was this amount that you found it necessary to put into the collection? A. No, sir; not all of it.

Q. Not always, but sometimes? A. Not all of this money.

Q. You mean to say that a portion of the \$3 to \$25 was for the collection? A. For our expenses; for the expenses?

Q. Yes; for the expenses; and that I have spoken of as the collection you also referred to in the same way; how much money have you received during the last year for these rentals? A. I don't know exactly; but I don't think we received a cent so far; we haven't collected it.

Q. Haven't you received anything from your standkeepers besides the bills for their soda water? A. I don't think so.

By Chairman Lexow:

Q. Is it that you haven't collected it because this committee has been here? A. Oh, no, sir.

Q. It has nothing to do with it? A. Nothing to do with it.

Q. Sure of that? A. Sure of that.

By Senator Bradley:

Q. Do you mean to say that you let your stands out for the season and that you don't collect any money until the season is over? A. Yes sir, that is right.

Q. Do you want this committee to understand — recollect what you are talking about? A. Yes, sir.

Q. That you do not get your rent in advance for these stands; but you let them go out of your establishment before paid for? A. We do some; yes, sir.

Q. Don't you do it in all cases? A. Not in all cases.

By Chairman Lexow:

Q. Hasn't that been your general custom; that has been your general custom; you don't let your stands go out without pay for them? A. No; they pay for them during the season.

Q. But you don't wait until the end of the season to collect your money? A. Not always; they pay \$5 or \$10 down.

Q. Have they made their payments down in these cases now? A. Some of them have and some of them have not.

Senator Bradley.—This gentleman seems to have a very bad memory, and he does not look like a man who was deficient in that respect. I would like to brighten up his memory a little bit. Yesterday he testified that about \$128 went through his hands altogether as treasurer of this association. To-day, in his testimony, he says that he paid Mr. Brodsky \$750 for counsel fees. Now, how can he reconcile his testimony in this case.

Chairman Lexow.—Well, he testified yesterday that he collected \$128 from the members of the association, and the \$750 he paid himself.

Senator Bradley.—When I asked him about his books, if he didn't keep an account, I asked him how could he balance with the secretary. The secretary might charge him with \$800 when he didn't receive \$200.

By Senator Bradley:

Q. Do you remember an occurrence once that happened in Brooklyn, near the corner of Tallman and Bridge streets, when one of your apparatuses exploded; do you remember that gentleman's name? A. No, sir.

Q. Don't you remember anything that occurred that time; do you remember Mr. Mullin? A. I think so.

Q. You remember that? A. Yes, sir.

Q. Do you remember the suit that Mr. Mullin entered against your company for damages? A. It is so long ago that I don't remember much about it.

Q. It is a little longer ago than these occurrences here, but I think you will remember it; when this committee sees a man with a stupid face, low forehead, etc., we make up our minds that he may not be an intelligent man, but when we see a man like you we expect to get truthful and intelligent answers? A. Well, my memory is not very good.

By Senator Bradley:

Q. If I owed you \$100 the last five years I will bet that you wouldn't forget it until I paid you.

By Mr. Moss:

Q. How much money did you collect the last year for rent of stands ostensibly? A. That I couldn't tell.

Q. A pretty large sum, didn't you? A. Oh, yes.

Q. About how much? A. About probably \$2,500 or \$2,000.

Q. About \$2,000? A. Between \$2,000 and \$3,000; that is for inside trade and all.

Q. I am speaking now of the outside trade, the stand trade? A. I couldn't tell exactly how much the outside trade was; probably \$1,000 or \$1,200.

Q. Will you tell us what you did with that money? A. The \$750 came out of that.

Q. Your \$750 to Mr. Brodsky came out of that? A. Yes, sir.

Q. That \$750 then was not drawn out of the ordinary profits of the business, but out of the rental, and that is part of the expenses that you talked about, isn't it? A. No; we kept that altogether in our books.

Q. You kept the rent together? A. Everything together in the whole business.

Q. But you have just said that the \$750 came out of the \$2,000 rent; you endeavored to charge that \$750 against the \$2,000, didn't you, and kept it so in your mind? A. I think it is kept that way.

Q. Isn't it kept so on your books? A. I am not sure.

Q. Well, it may be, may it not? A. I don't think so.

Q. Well, it rests very strongly in your mind that the \$750—
A. It is not kept that way in our books; this is all rent and kept among our other business.

Q. You have made a mental charge of that? A. No, sir.

Q. It rests so in your mind that the \$750 came out of the \$2,000? A. Yes, sir.

Q. And that is part of the expenses about which you have talked? A. Yes, sir.

By Chairman Lexow :

Q. How is it that a man on the stand has testified that it was not rent, but for a license; the word "license" was used when the money was taken from him; how do you reconcile that with this statement now? A. One of our customers?

Q. Yes, permits? A. When we rent a stand and let it go out we want—

Q. Don't you tell your men that that goes to get a permit for them? A. We tell them we have a good deal of expense.

Q. Don't you tell them in words "We have got to get a permit for you, and that is why we charge you this amount of money?" A. We tell them we try to get them a permit.

Q. So that when you get what you now call rent, you tell them that you are going to try and get a permit for them? A. Yes, sir.

By Mr. Moss :

Q. In that way you save your standkeepers as far as possible from persecution by the ordinance people, by the corporation's people and by the police? A. We try to save them.

Q. That is your object, to try and stave off the officers of the law, isn't it? A. Yes, sir.

Q. These stands frequently extend over the stoop line? A. Not much.

Q. They do frequently lap over? A. Maybe a couple of inches.

Q. You don't measure to keep them in the stoop line? A. We keep them in the stoop line as much as possible.

Q. They do frequently lap over? A. Maybe a couple of inches.

Q. A couple of inches or a foot? A. I never seen them a foot.

Q. The apparatus that is used, the box and things that the people use in connection with the stands, are out over the stoop line sometimes, are they not? A. Sometimes they might be a couple of inches; I never saw them over a couple of inches, and very seldom that.

Q. In using their stands they get out onto the sidewalk at times? A. Yes, sir.

Q. And they are more or less of an interference with pedestrians, are they not? A. In small thoroughfares.

Q. And there has been a great deal of complaint from the storekeepers about it? A. So I have heard.

Q. That has come to your knowledge, hasn't it? A. Yes, sir.

Q. And these payments which you have taken from the stand-keepers, and a part of which you have given to Mr. Brodsky, were really for the purpose of saving your dealers from this kind of interference, wasn't it? A. Yes.

Q. And so expressed to them when you took the money? A. When we charged them rent.

Q. You told them so?

By Chairman Lexow:

Q. Have you been told before you went on the stand here to call that money rent? A. No, sir.

Q. Have you had any conversation about it? A. No, sir.

Q. With anybody? A. No, sir.

Q. Sure? A. Sure.

Q. Now, you understand you are under oath; do you mean to say you have had no conversation with anybody with reference to the testimony you were to give here to-day? A. No, sir.

Q. Not a man? A. Not a man.

By Mr. Moss:

Q. You said that you collected about \$2,000 last year for rent or protection, and that you gave \$750 of it to Mr. Brodsky; what did you do with the rest of it? A. It is in the business.

Q. It is in the business? A. Yes; the same as I said before, we charged that rent, and it goes in the books the same as all the rest of our business, in our books; it goes in as rent.

Q. You took it for a special purpose, or a portion of it was taken for a special purpose, and you have accounted for \$750 of it in a special way; now, there must have been some special expenses; what were they? A. Well, different expenses that we have in the business.

By Chairman Lexow:

Q. Did you consider that you were doing a lawful business? A. Yes, sir.

Q. Then why did you raise \$3,500 to do a lawful business in this city? A. That was for rent for our own business.

Q. Why did you raise \$3,500 and pay it to a man in this city for the purpose of enabling you to conduct an unlawful business? A. I didn't raise it for that purpose.

Q. Didn't you say that that money was to be used for the purpose of protecting your interest in those soda water stands throughout the city; wasn't that the purpose; now, either you were doing a lawful business, or you were doing an unlawful business; if you were doing a lawful business how did you come to pay \$3,500 to do that business? A. I didn't pay that \$3,500.

Q. No, but you and your associates? A. I don't know what the rest paid.

By Mr. Moss:

Q. You paid \$750 of it? A. Yes, sir.

By Chairman Lexow:

Q. You say you don't know what the rest paid; didn't you say yesterday, under oath, that you paid \$3,500 to Mr. Brodsky? A. No, sir; I only said I thought they did; I heard so.

Q. Now, you heard so on pretty good authority; you heard it from your own associates? A. Yes, sir.

Q. Therefore, you know, as far as you can know, that that money was paid; will you explain to this committee how it comes that you paid \$3,500 to Mr. Brodsky for the purpose of doing a legitimate business in this city? A. I don't know, only just what I have said yesterday, that this money was paid for counsel fees and for his labor in getting this —

Q. Counsel fees to do what; to do a lawful business? A. In attending to all the arrests and all this.

Q. The fact was, you knew, didn't you, that you were doing a business that came into collision with the laws of this city, and that you wanted to protect yourself through the influence either of a political organization or the influence of a man against the consequences of your dereliction of duty; isn't that true? A. I don't know.

Q. But you think so, don't you?

By Mr. Moss:

Q. If you were not conscious of a dereliction of duty, you were conscious that your business was interfered with — the business of your dealers was interfered with, didn't you? A. Yes.

Q. And you knew that you had to take some steps to protect them, or shut up shop? A. Not our shop; no.

Q. Well, shut up that branch of your business? A. That branch of it, yes.

Q. And in order to protect that branch of your business you devised the best plan that you could, didn't you; you and your associates, you did the best you could? A. Yes; no, I didn't do the best I could, because I didn't care much about it.

Q. Well, your associates did; you were associated for that purpose partly? A. Yes.

Q. And that was to employ Mr. Brodsky and to give him \$3,500? A. Yes.

Q. What account has Mr. Brodsky rendered you of his services? A. Nothing more than attending to the arrests and trying to get the permits.

Q. Has he rendered you a statement of what he has done? A. No, sir.

Q. Or any of your associates? A. Not as I know of.

Q. Has he told you how many cases he has defended? A. No, sir.

Q. So that you gave him those \$3,500 blind? A. No.

Q. You gave him \$750 blind? A. Yes, sir.

Q. And you are willing to stay blind? A. I might say something bye and bye.

Q. You don't intend to compel him to give you a statement? A. No, sir.

Q. Or to ask him for a statement? A. No, sir.

Q. You are content to leave it in that way? A. Yes, sir.

Q. You don't know what he did with the money? A. No.

Chairman Lexow.—You don't want to know, do you?

Q. You don't want to know what he did with that money, do you; you don't want to be charged with actual knowledge that could be proved, do you?

By Chairman Lexow:

Q. When you hired that particular man, did it occur to you that he was a member of the dominant political organization in this city? A. I don't know what organization he belonged to.

Q. Didn't you know he was a member of Tammany Hall? A. No, sir.

Q. Didn't you inquire about it? A. No, sir.

By Mr. Moss:

Q. How much of that \$2,000 went in the collection last year? A. In what collection?

Q. The collection that you talked about in your own evidence? A. I couldn't tell you.

Q. What! A. I don't know.

Q. About how much of it went into the collection? A. What collection?

Q. A collection that you talked about in your testimony; that was for rent? A. We charged that for rent.

Q. No, no; the rent that you got, the \$2,000; how much of that went into the collection that you yourself spoke about? A. I don't understand what collection you mean.

Q. You do know what I mean, because I am using your own words, Mr. Lighte; I will tell you; I mean a collection for the

captain; how much of that \$2,000 went into it? A. Nothing; only this \$750; I paid out this \$750.

Q. Nothing; only the \$750? A. Yes, sir.

Chairman Lexow.—Went to what?

Senator Bradley.—The collection for the captain.

Witness.—Not to the captain.

Q. How much of the \$750 went to the captain? A. I don't know.

Q. How much did you intend to go? A. None at all.

Chairman Lexow.—Now be very careful, Mr. Lighte.

Q. How much of it were you willing should go? A. I gave this to Mr. Brodsky as counsel fees,

Q. How much of this \$750 were you willing to have go to the captain? A. I never spoke of it.

Q. How much of it were you willing should go? A. I was not willing to give anything.

Q. Your answer has indicated your willingness; now, how much were you willing—the whole of it, weren't you? A. I gave this to Brodsky.

By Chairman Lexow:

Q. Did you understand that some of this \$750 that you gave to Mr. Brodsky was going into the captain's possession? A. No, sir.

Q. Didn't you have any idea of it, at all? A. No, sir.

Q. Was there no understanding? A. No understanding; nothing spoken of.

Q. Any suggestion? A. No, sir.

Q. There was no suggestion made to you as to what that money was going to be used for? A. Nothing; only he wanted that much for his own labor, his own trouble.

Q. His trouble in doing what; you haven't explained that yet; what was he to do; you hadn't a case against you then that any lawyer would charge you \$3,500 to defend, did you? A. I don't know as he got that, only as I hear.

Q. Did you have litigation of such magnitude on your hands that a lawyer could charge a retaining fee of \$3,500 to defend it; you didn't, did you? A. So far as I understood —

Q. You didn't have any such suit on hand, did you? A. No, sir.

Q. Did you have any suit on hand? A. Not at that time.

Q. Were you expecting suits? A. We expected several; yes, sir.

Q. Trouble with whom? A. With the standkeepers.

Q. With the standkeepers? A. Being arrested, yes.

Q. Trouble with the police, didn't you? A. Trouble with the police arresting the standkeepers.

Q. You were expecting trouble with the police and you paid \$3,500 to anticipate trouble? A. I didn't pay that.

Q. I mean you and your associates; that is a fact, isn't it? A. No, sir, I don't know, because I haven't seen this money paid in; only what I paid myself.

Q. You paid \$750 in anticipation of possible trouble that you might get into with the police; do you mean to say that you didn't intend that any part of that money should go into the pockets of the police? Answer that question! A. What is the question?

Q. Did you intend, anticipating, as you say, trouble with the police, to give \$750 to avoid that trouble; didn't you expect some part of that money to go in the pockets of the police? A. No.

Q. You didn't? A. No.

By Mr. Moss:

Q. You wouldn't have paid the \$750 if you hadn't anticipated trouble with the police, would you? A. No.

By Chairman Lexow:

Q. Don't you see witness, that this committee is here to remedy any evils that exist; if you do an honest and legitimate business, we are here to protect you in it; now, if you have done an honest and legitimate business, and you have been mulcted out of \$750, why on earth don't you give us the testimony on which we can act; the next time you will have to pay \$7,000; the yoke will be ever so much stronger than it is to-day? A. No, sir; I won't pay another cent.

Q. You are going to stop paying this money even if you have to close your stand? A. Yes, sir.

Q. It is an imposition? A. Yes, sir.

By Chairman Lexow:

Q. It is a tax not found in the New York City budget? A. Yes, sir.

By Mr. Moss:

Q. And you knew that when you paid the money, didn't you?

A. Yes.

Q. How much did you pay Mr. Brodsky the year before?

A. I don't think I paid him anything.

Q. Well, you have paid him before, haven't you? A. No, sir.

Q. At some prior time? A. No, sir.

Q. Now, there was money raised the year before in the same way for the same purpose; how much of it? A. I don't know.

Q. About how much? A. A thousand dollars.

Q. What did you do with that \$1,000; I want to give you a chance to tell it? A. I don't know where it went.

Q. What did you do with it? A. I didn't collect no \$1,000.

Q. What did you do with your part of it; it would be a great deal better for you to tell it than to have me bring it out from somebody else after you refused to tell? A. You see, I have to see if I can remember.

Q. Yes? A. It went into the association.

Q. What did the association do with it? A. I don't know.

Q. What is your understanding? A. Of course I understood it was given for some purpose, but I don't know where it went.

Q. For this same purpose of protecting the standkeepers from police interference? A. Yes, sir.

Q. That money went into the collection for the police captain, didn't it, or a part of it? A. A part of it, I think; I don't know; I ain't sure.

Q. A part of it went into the collection for the police captain; wasn't it more than one captain? A. Well, I don't know.

Q. Name one of the captains that the collection was for that year? A. I couldn't name any of them, because I don't know where the money went to.

Q. You said that collections were taken for all the down town captains, and that puts a great many men under suspicion; now will you in a sense of fairness name the captains for whom that collection was made? A. I could not name any of them.

Q. Else you will be in collusion with a lot of them; can't you name any? A. No, sir.

Q Do you mean to say that a year ago all of the captains in the down town precincts precipitated in the contributions, the collections that were made? A. No, sir, I don't think they did.

Q You know some of them did? A. No, sir, I don't think they did.

Q. You are stultifying yourself now, for you are testifying that they did? A. Not a year ago.

Q. Well, the year before? A. Not of this money.

Q What captains participated in any collection? A. I guess all of them did.

Q. All of them did? A. I think so.

Q. That is, all the down town precincts? A. Yes, sir.

Q. Now, here is the First precinct, running from the Battery up to Ann street; did the captain of that precinct participate? A. I don't know.

Chairman Lexow.—Well, he covers the whole ground by saying all of them.

Q. You mean to stick to that, that the collection was made for all of them? A. I don't know who got the money, or whether any of them did.

Chairman Lexow.—He simply means to be understood, as I understand, that the money was collected for all the captains, but whether it went into the pockets of any of the captains he can not say.

Witness.—I am not sure; no, sir.

Q. You said the captains down town; what is the dividing line, Fourteenth street, or lower down? A. Lower down, I think.

Q. Below what street? A. Below Houston.

Q. That was the purpose of the collection, wasn't it?

Chairman Lexow.—Yes; he testified to that.

Christian Steffens, a witness called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—Mr. Chairman, it gives me great pleasure to be able this morning to introduce some testimony that sets at rest, in my opinion, any doubts that may have existed regarding Officer McLaughlin. I have pursued the matter as far as I could within the brief time at my disposal.

Chairman Lexow.—Have you a witness here by the name of O'Neill?

Mr. Goff.—I have not seen the list.

Chairman Lexow.—I understand there is a man here by the name of John O'Neill, who is ready to testify that he served with him at the time.

Mr. Goff.—All right, sir.

Examination by Mr. Goff:

Q. What is your occupation now? A. I am an officer on the bridge.

Q. On the Brooklyn bridge? A. Yes, sir.

Q. Were you in the regular army of the United States? A. Yes, sir.

Q. In what company or regiment? A. In Battery M of the Third United States Artillery.

Q. What grade did you hold there? A. I was a sergeant.

Q. Did you see Officer McLaughlin in court? A. Yes, sir.

Q. Do you know him? A. Yes, sir.

Q. When did you first see him? A. I seen him first in the spring of 1876.

Q. Where? A. In Fort Wadsworth, Staten Island.

Q. Was he a soldier? A. Yes sir.

Q. And you were a sergeant? A. I was, sir.

Q. Had you direct personal contact with him? A. I had, sir.

Q. Under you? A. Under me; he was serving in my squad-room.

Q. How long did he serve there? A. He served under my direct supervision for four years, until he got discharged.

Q. For four years? A. Yes, sir.

Q. So that you had an opportunity of seeing him every day? A. Almost every day.

Q. Almost every day for these four years? A. Yes, sir.

Q. Were you in the service at the time that he got discharged? A. I was, sir.

Q. You knew of his discharge, did you? A. I knew of his discharge.

Q. What do you know about the discharge? A. I didn't see his discharge, nor can I give the exact date of it; but I know from his record in the army that he could get nothing but an honorable discharge with an excellent character; he could get nothing else.

Q. I notice on the face of the discharge the word "excellent;" that his character is excellent; is that the reputation he bore

in the army? A. Yes, sir; that is the reputation that he bore in the army.

Q. And so far as your knowledge goes, Sergeant Steffens, during the four years that you have had immediate command over this McLaughlin, was he a good soldier? A. A good, faithful soldier, sir; and an honorable man.

Senator Cantor.—That is very gratifying.

Chairman Lexow.—Mr. Goff, do you not think, under the circumstances, this committee can not afford to make itself a vehicle for malice; this case is gross perjury, and you ought to have an extract of the minutes made, so that we can have the matter brought to the attention of the District Attorney and the Grand Jury.

Mr. Goff.—I shall do so, Senator, from the very fact that we have a right, as a matter of self-preservation, to be protected from persons who may attempt to impose upon us. Of course, it is impossible for us to prove the contrary until we hear it on the stand.

Chairman Lexow.—We do not want to drag the name of any honest or honorable patrolman or policeman in the mire if we can help it. That is not the purpose of this investigation.

Mr. Goff.—Yes, and we have proven it at every opportunity. I sent for Officer McLaughlin in order that he should be present in court this morning to see that he was vindicated and put in a proper light before this committee and the public, and I congratulate him on the result. I am proud to be able to set this question at rest, because if this man were, as the evidence shows, a good soldier while in the army, with nothing against him on the police force, it is right that he should be properly vindicated and exonerated here. That will do, Sergeant.

Officer McLaughlin.—Mr. Chairman and gentlemen of the committee, I thank you very kindly for your kindness toward me.

Chairman Lexow.—Not at all; it was our duty, and it was your due.

Mr. Goff.—I beg leave, Mr. Chairman and gentlemen, to direct attention to what has become a nuisance to me; my time has been very much taken up with letters that have been written to me since the commencement of this investigation, and I take this opportunity of speaking on a subject that I had made up my mind not to speak about, were it not assuming such proportions that for self-preservation, I must say (and I hope the

gentlemen representing the press here will take notice of it) what I say now; that is, that there has been no attention paid, nor will there be any attention paid, to communications, whether anonymous or signed, suggesting or urging an inquiry to be made into the private character of any man who has been summoned before this committee, or who may be summoned here. I have received very many letters; they have gone into my waste basket; but I wish these people would not write, because it will be a loss of time, and when we are pushed, as we are now, with matters, we do not want to spend one moment in opening a letter and reading its contents, to find that it is utterly valueless for our purposes; and we do not propose now or at any other time, to allow character or testimony, so far as we can prevent it, reflecting upon the private character, private life, of any man. We are here to deal with the police department, and all persons connected with it as public officials. I have taken the ground, which I shall maintain, without even consulting the committee, for I know it is their wish, that all these matters are matters of private conscience; and I wish to state now publicly that the information may go. These persons who write these letters should cease to write them, because they will serve no purpose.

Senator O'Connor.—Mr. Goff, those have always been the views of this committee, never to inquire into a man's private character.

Mr. Goff.—And I may go further. In examining witnesses upon this witness stand, I have prevented them from saying things with either malice or antipathy, or desire for notoriety, or anything else that might have suggested, touching upon matters that we have no interest in whatever.

Wolf Wallach, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss (through interpreter Walter):

Q. Are you a soda water manufacturer? A. Yes, sir.

Q. Where do you keep? A. No. 25 Columbia street.

Q. You are a member of the Soda Water Manufacturers' Association, are you not? A. (Interpreted.) Yes, sir.

Q. And Mr. Jacobs is your secretary? A. Yes, sir.

Q. How many soda water stands do you control? A. About 25.

Q. How much do they pay? A. (Interpreted.) One dollar a can of water.

Q. Then what else do they pay for rent? A. (Interpreted.) A good customer does not pay anything while a bad customer does.

Q. What does he pay for rent? A. (Interpreted.) From \$10 to \$15.

Q. And he pays \$5 besides, doesn't he? A. (Interpreted.) No, sir.

Q. He never pays \$5 in addition to the \$10? A. (Interpreted.) Yes, sir; they pay the \$5.

Q. What is the \$5 for? A. (Interpreted.) We take those \$5 to try to get them permits.

Q. Permits for what? A. (Interpreted.) For the soda water stands.

Q. What did you do with the \$5? A. (Interpreted.) We gave them to counselor Brodsky.

Q. All the \$5 that you got for permits you gave to Counselor Brodsky, didn't you? A. (Interpreted.) Yes, sir.

Q. Did you get permits? A. (Interpreted.) No, sir.

Q. There is no such thing as a permit, is there? A. (Interpreted.) There are some.

Q. But that is only since three months, isn't it? A. (Interpreted.) About three months ago.

Q. The men that paid the \$5 are not troubled, are they? A. (Interpreted.) Often.

Q. But they are not fined or convicted, are they? A. (Interpreted.) They go to court and nothing comes of it; Mr. Brodsky fixes it.

Q. Have you heard anything about a collection that was made in April last for Captain Schultz? A. (Interpreted.) I don't know anything about it.

Q. You have heard that such collection was made, haven't you? A. (Interpreted.) Nothing.

Q. You know that the stands were closed in April, don't you, in Schultz's precinct? A. (Interpreted.) Yes, sir.

Q. And they opened again in two or three days, didn't they? A. (Interpreted.) Yes, sir.

Q. What did you do to open them again? A. (Interpreted.) Lawyer Brodsky said that they can open again; in case any trouble comes why they will be all right; he will be on hand.

Q. They did open again and have had no trouble; is that so?
A. (Interpreted.) They had trouble; they paid \$2 and \$3 — the standkeepers.

Q. Who did they pay the money to? A. (Interpreted.) In court.

Q. But they are all open, are they not? A. (Interpreted.) Yes, sir.

Q. They never closed up again? A. (Interpreted.) No, sir.

Q. Did you ever hear of a collection being made among the standkeepers for the police? A. (Interpreted.) No, sir.

Q. All the money that was got from the standkeepers so far as you know were permits of protection—went to Lawyer Brodsky, didn't it? A. (Interpreted.) Yes, sir; all the collections which were made went to Johnny Brodsky.

Q. You contributed in the large sum that was given Mr. Brodsky, didn't you? A. (Interpreted.) Yes, sir.

Q. How much did you pay? A. (Interpreted.) Two hundred and fifty dollars.

Q. How much did he get altogether—how much did that whole society give him—don't you know that it was \$3,500? A. (Interpreted.) I heard so.

Q. And that \$3,500 was made up entirely of your manufacturers, wasn't it? A. (Interpreted.) Yes, sir.

Q. Did you give him that \$250 in his office? A. (Interpreted.) I gave one check of \$40, another for \$135, and one to Mr. Bank of \$75.

Q. But that was all for Mr. Brodsky? A. All for Mr. Brodsky.

Q. What did you tell Mr. Brodsky this money was for? A. (Interpreted.) For the permits.

Q. Do you know whether any part of that \$250 was paid to the police or any policeman? A. (Interpreted.) I don't know anything.

Q. Were the police spoken of when you paid the money; were they spoken of between you and Mr. Brodsky or between you and your friends? A. No.

Q. What did you understand Mr. Brodsky would do with that money? A. (Interpreted.) For all his trouble and trying to get a permit from the board of aldermen.

Q. If he got a permit he would have to pay for it, wouldn't he? A. (Interpreted.) No, sir.

Q. You thought he could get permits without paying for them? A. (Interpreted.) Yes, sir.

Q. Through his influence? A. (Interpreted.) I thought he was a lawyer and would be able to do it.

Q. You thought he was an influential man, didn't you? A. (Interpreted.) Yes, sir,

Q. A. politician too, didn't you? A. I don't know.

Q. You draw the line there; I think I will not trouble you any further, Mr. Wallach.

By Senator Bradley:

Q. Did you or any of your family ever pay any money to the police or any police official? A. (Interpreted.) Never.

By Mr. Moss:

Q. You know this gentleman who is interpreting, don't you; you have seen him before, haven't you? A. No, never.

Q. Don't you remember him calling on you on the 8th of September to see whether he could open a soda water stand?

A. (Interpreted.) I don't remember him at all.

Q. Didn't this man come to you and ask you whether he could have a stand, and didn't you say it would cost \$15 from September until April next year? A. (Interpreted.) Yes; I remember that.

Q. And he asked you what about a permit, and didn't you assure him that there was no such thing as a permit? A. (Interpreted.) Yes, sir.

Q. Didn't you then say to him that he would not be bothered as you belonged to a society which protects all the soda water stands in the city? A. (Interpreted.) I don't remember.

Q. But you may have said so, may you not? A. (Interpreted.) No.

Q. Didn't he ask you whether he could build a counter and a frame for the fountain? A. (Interpreted.) I don't remember.

Q. Didn't you tell him then that he should give \$2 or \$3 to the policeman on the block and it would be all right? A. (Interpreted.) Never.

Q. Didn't you tell him that you knew all the policemen and had done business with them? A. Never; I never spoke to him.

Q. You never said anything about a policeman to him? A. No.

Joseph L. Weller, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss:

Q. You live at 53 Chrystie street, don't you? A. I keep my business there.

Q. And your business is manufacturing soda water? A. Yes, sir.

Q. Are you a member of the soda water society? A. I am a member of the Soda Water Protective Association.

Q. The same society of which Mr. Jacobs is secretary? A. Yes, sir.

Q. What office do you hold? A. I am vice-president.

Q. Did you pay some money to Mr. Brodsky? A. Yes, sir.

Q. How much? A. Six hundred dollars.

Q. Did you give that to him in his office? A. Yes, sir.

Q. What did you say to him when you gave it to him? A. Merely there is the money.

Q. Then he knew you were coming, didn't he? A. Well, I don't recollect whether he knew; I can not tell.

Q. You had a meeting before that, didn't you? A. No; we were to meet there.

Q. You had a meeting before you gave the money? A. Well, we might have some meetings; yes, several times.

Q. How did you arrive at the sum of \$600? A. Well, I will have to tell you the whole story.

Q. Certainly. A. Then I have to begin with the whole story.

Q. That is all we want. A. We always had been troubled more or less in the soda water business; of course, some people would think that the business is illegitimate and illegal, and others would think that it is legal; we had trouble by the police and by the public works department; of course, in the beginning of the spring there was a certain class that you call store keepers, and they formed a combination against us to prosecute our stands.

Q. That is the society of which Ebert was a member? A. Yes, sir; that is about the same; consequently we had very much trouble, and we came together and we wanted to legalize this thing as far as legality is concerned; so we had to engage counsel for that and we went to Brodsky and engaged him; we made

a price of \$3,500, and each manufacturer should pay accordingly his share, and I was taxed \$600.

By Chairman Lexow:

Q. That is, according to the number of stands each manufacturer had? A. Not exactly; according to the man's business and capacity of business; it was mutually agreed that each man should pay so much.

Q. You came together and fixed the percentages of each man?
A. About that.

By Mr. Moss:

Q. What was Mr. Brodsky to do with this \$3,500? A. The board of aldermen should pass an ordinance that they may issue a permit to every stand, provided it is within the stoop-line, with the consent of the landlord.

Q. Was that all Mr. Brodsky was to do? A. That is all.

Q. That is all? A. He was, furthermore, to see in the meantime to protect every standkeeper if he was arrested or shut up; to see in a legal way how to manage it.

Q. How was that money paid? A. It was not paid all at once.

Q. In what year? A. This year.

Q. And in what month? A. I believe that was partly paid in May.

Q. May of this year? A. Well, I can not recollect exactly the month, but I know I paid him three parts.

Q. Have you read Mr. Brodsky's statement in the papers this morning, that he was not employed to do any such thing? A. No, sir; I read last night's paper; that is all.

Q. If that statement is made by him you say it is not true?
A. Of what; that he has not received any money?

Q. That he was employed to pass an ordinance? A. Yes; that is true.

Q. That is true, that he was employed for that purpose? A. Yes; he was employed for the purpose of passing an ordinance; he has done it, too; he had a resolution passed, and it is in the street committee now; there were about 50 or 100 resolutions passed.

Q. Did he tell you what he would do with that money? A. No; so far as I know he wants it for counsel fees.

Q. Did he tell you what he had done with it? A. Well, he has it for himself I suppose.

Q. You never asked him for an accounting? A. I never asked him.

Q. What was your cause in going to Mr. Brodsky in May? A. To legalize things.

Q. After something had been told you, you did that? A. Of course; we had lots of complaints from the bureau of incumbrances, public works department; and we had a good many stands removed by the public works department.

Q. There was great pressure brought to bear upon you just at that time? A. Most decidedly.

Q. Unusual? A. Unusual; yes, sir.

Q. All the stands in one precinct were closed up suddenly, weren't they? A. Yes.

Q. All the stands in Captain Schultz's precinct? A. Yes.

Q. All the stands in Captain Schultz's precinct were closed suddenly? A. Yes, sir; well, not exactly suddenly; it took some time; but he closed them all up.

Q. How did Captain Schultz come to let them open again in two or three days? A. Well, they had the advice of Brodsky that we should open, and in case anybody should be arrested he would defend it.

Q. How were they closed? A. Well, the police told them; they ordered them to close.

Q. Did the police, after they opened again, order them to close? A. I guess they did; they ordered them to close, but some didn't close; some did close; and some were arrested and they were brought to court.

Q. All that were arrested were taken care of by Mr. Brodsky, weren't they? A. Yes, sir; he was in court at that time; I was not there myself, but I heard he was in court to protect those standkeepers.

Q. Did Mr. Brodsky get any money except what you manufacturers gave? A. He didn't get no more.

Q. What became of the \$5 that was collected from the retail dealers? A. Well, as far as my knowledge as to those \$5, as far as my own customers are concerned, those customers came to me and asked for some kind of help in this matter to protect them; I told them the only way to get protection for them is to pass an ordinance to that effect, that it should be legal; in fact, that we have got the law.

Q. The question is, what was done with these \$5? A. Well, some contributed to me \$5, some of my customers; of course, not much.

Q. Do you mean to say that the money you gave went into the \$600? A. Oh, no; decidedly.

Q. What did you do with the money they gave you last year? A. I didn't get none last year.

Q. Well, you contributed to some one last year? A. No.

Q. You have heard of it, haven't you? A. I never heard of any; I never heard of that class, or any police.

Q. Well, of any class; you heard that money was collected? A. I don't know.

Q. Well, you have heard, haven't you? A. No; I haven't heard; not as I know of.

Q. Why don't you come out deliberately and distinctly upon that subject? A. Upon what subject?

Q. Upon the question of whether you heard of a collection? A. I don't understand your question anyway.

Q. It is very evident that you don't want to understand it? A. What is your question?

Q. You have heard of a collection that was made last year, haven't you? A. No.

Q. Now, you say that distinctly? A. I say that distinctly.

By Chairman Lexow :

Q. Don't you know that a purse of money was contributed by those in your line of business last year? A. To whom?

Q. A fund of money gathered together? A. I don't know, sir.

Q. Don't you know that a purse was made up ostensibly for the police captains south of Houston street? A. No, sir; distinctly, no sir.

Q. You swear that you don't know anything about it? A. No, sir.

Q. Or heard anything about it? A. Nor have I heard of any sum last year paid to any captain.

Q. No, I don't say it was paid; the question was whether a fund was raised? A. Even raised.

Q. For the purpose of paying to the police captains? A. No, sir.

Q. You swear to that as the fact? A. I swear to that positive, sure.

Q. You were never approached for any such purpose? A. No, sir.

Q. Sure? A. Surely.

By Mr. Moss :

Q. Do you remember a conversation with Mr. Wallman upon this subject? A. I think I do.

Q. Do you remember what was said? A. Upon what subject?

Q. Upon this great subject of soda water? A. No, sir, I never had; I don't understand your question? You ask me "subject," you must explain the subject.

Q. You had a conversation with Mr. Wallman? A. I had a conversation once in my life.

Q. About soda water? A. He came and asked me about a soda water apparatus for his mother, for a stand; that is all I know.

Q. What was the conversation? A. He says he wants to have a stand, an apparatus.

Q. What did you say to him? A. I told him it would cost him \$15, for the use and wear and tear of it, rent.

Q. What else did you say? A. I didn't say nothing.

Q. What else did he say? A. He said he would come to-morrow and bring me the money.

Q. He asked you how he was going to be protected from annoyance, didn't he? A. I told him I couldn't give him any protection.

Q. He asked you, didn't he? A. He did.

Q. Why didn't you tell me that when I asked you to give me all the conversation; that is something you didn't understand? A. Yes.

Q. Now, will you try to understand; didn't you assure Mr. Wallman that if he took that apparatus he would not be troubled, that it cost you and your associates nearly \$3,000 to fix things with those people? A. No, sir.

Q. You didn't tell him that? A. No, sir, I didn't.

Q. Or anything like it? A. I might have told him that I would do as much as I could for him.

Q. You told him you would do as much as you could for him? A. Yes, sir.

Q. You didn't tell him that you couldn't possibly do anything for him did you? A. No, sir.

Q. You told him you would do as much as you could for him?

A. Yes, sir.

Q. How much was that? A. I told him distinctly that if he should happen to get a complaint, if it was a malicious or jealous complaint or something of that kind, I will see that he is protected.

Q. Did you tell him how you would protect him or how you would do it? A. No, sir; he didn't ask me and I haven't told him.

Q. Didn't you tell him how much it would cost to protect him? A. I didn't tell him, never.

Q. Didn't you tell him that you had an attorney that would look after him? A. Probably I might have told him.

Q. Did you tell him that at all? A. I might not have told him at all.

Q. You didn't say a word about the attorney? A. I would like for him to speak whether—

Q. He will speak, and if he speaks and says that you did mention \$2,000, you will then say that he tells an untruth? A. Well, I guess I would.

By Chairman Lexow:

Q. You are not quite certain about it? A. I am not certain, because he came to me simply as a customer.

Q. It would be very natural for you to say inasmuch as you were getting protection yourself that you would protect men that were in your employ? A. That is right; I told him that I would do as much as I can for him.

By Mr. Moss:

Q. You felt that your customers could be protected? A. No, sir.

Q. You felt that you had done what you could, didn't you; you had done what you could? A. Most decidedly.

Q. What you had done was to secure protection for your customers, wasn't it? A. I don't understand you.

Q. What you had done was to secure protection for your customers? A. In what regard?

Q. In regard to selling soda water and not being annoyed?
A. Most decidedly.

Q. That was what you had done for him? A. Yes.

Q. And you told him that he would have protection, didn't you? A. I didn't tell him nothing of the kind; I told him I would do as much for him as I can.

Q. And that is what you meant, wasn't it—the protection that you had got you would give to him? A. I don't remember now what I meant; I might have meant something else.

Q. That protection did cost you money, didn't it? A. No.

Q. It cost you \$600? A. It cost me \$600 to get the thing legal; as far as protection is concerned it didn't cost me anything.

By Chairman Lexow:

Q. Was an ordinance passed by the board of aldermen? A. It was introduced to the board of aldermen, and, as far as I understand, Brodsky introduced it first off; he wanted a general resolution passed that every standkeeper—of course, that was our wish—that every standkeeper should pay a license say of \$5 to have this thing legal; and as I understand, the mayor refused on that question that he wouldn't pass a general ordinance, but he would pass it singly.

Q. Well, what was done? A. Well, it lays in the hands of the board of aldermen now.

Q. Then nothing has been done? A. There has hardly anything been done; it may never be done.

By Mr. Moss:

Q. Have you ever asked back that \$3,500, because you haven't got the goods you bargained for? A. We haven't asked for it yet; we may ask for it sometime.

Q. You have never asked for the restitution of that money? A. We have never asked for it yet.

By Senator Cantor:

Q. Some resolutions have been passed? A. Some resolutions have been passed; only a few; I guess if this committee was to take more trouble in modifying the laws it would avoid this investigation.

By Chairman Lexow:

Q. Now, that is your conclusion about it, but just listen to this; you are either doing a lawful business or an unlawful business, are you not? A. It is either one way or the other; I cannot decide now.

Q. If you have been contributing money to do an unlawful business you have done a very wrong act? A. Well, I haven't contributed.

Q. If you have contributed the money for the purpose of doing a lawful business we ought to know it, because then a tax has been put upon you which we ought to know of? A. Well, I think the only way you can remove it is to pass a law direct in Albany; a law should be passed; in fact, the law is now passed; in 1888 there was passed a law that it left to the discretion of a board of aldermen that permits may be issued within the stoop line, provided the landlord gives his consent.

Q. You mean to say, that in your judgment, it requires \$3,500 to remove that discretion? A. I should say so; probably \$35,000.

By Mr. Moss:

Q. You haven't got it for \$3,500 have you? A. No; it would take \$35,000 I suppose.

William Jacobs, recalled, further testified:

Examined by Mr. Moss:

Q. Mr. Jacobs, is this the original secretary's book? (Producing book.) A. It is.

Q. There has never been any other? A. No, sir.

Q. According to this book your organization meeting was on October 11, 1893? A. Yes, sir.

Q. That is right? A. Yes, sir.

Q. I read from the third page: "A meeting of the soda water manufacturers was held in 192 Third avenue, and they have agreed to organize in a body under the name of The Soda Water Manufacturers' Protective Association, consisting of Laight & Brother, Joseph L. Weller, Ginter & Bayer, Jacobson Marcus, F. Jacobs and J. H. Elfers & Co., all of the city of New York. The object of the meeting is the protection of mutual interest

and to prevent interference in the fountain-filling business." That was the object of the association? A. Yes, sir.

Q. You had had a great deal of interference prior to this time, hadn't you? A. We had.

Q. How had you protected yourself against interference before this society was formed? A. How do we protect ourselves?

Q. How did you protect your business against interference before this society was formed? A. I couldn't protect myself; I found my fountains in a good many other places where they were taking them from the customers and filling them, and when I came to look for my fountains I could not find them; they were taking from one place to another; one manufacturer was filling another man's fountains.

Q. Was that all that was meant by the prevention of interference? A. Yes, sir; the filling of fountains.

Q. But your standkeepers had been annoyed very much before this organization was formed? A. Yes, sir.

By Chairman Lexow:

Q. You draw a line in the objects of your association between those two purposes; the filling of fountains and prevention of interference? A. Yes, sir.

Q. And you contributed your money, did you, for the purpose of securing non-interference? A. Non-interference.

Q. That was right? A. That was right.

By Mr. Moss:

Q. How did you protect your standkeepers before this society was formed? A. I couldn't protect them.

Q. What did you do to try and protect them? A. I didn't do anything; when I got a notice from the bureau of incumbrances, the customers brought them to me—some of them were jealous and malicious complaints—I went down; if I could prove they were jealous and malicious complaints, I left it for a few days until the man withdraws it, and if I couldn't I had it removed.

Q. Some of the soda water dealers had an idea that they could get along if they paid some money? A. I don't know.

Q. You never heard of that? A. No, sir.

Q. You are not willing to state what you know on that subject, are you? A. I am willing to state anything I know.

By Chairman Lexow:

Q. Do you know of a fund of \$3,500 that was raised? A. I do.

By Mr. Moss:

Q. Now, I turn to the twenty-fourth page of your secretary's book, under date New York, November 23, 1893, and there I find that Mr. Ginter and Mr. Jacobs were fined \$100 each; what was that fine for? A. Our by-laws—I believe you have got them in that book—state that if one manufacturer takes away from another a customer with intent wrongly he shall be fined; so as to prevent them from interfering with one another.

Q. You were fined for interfering with some one else? A. I don't think it is my name there.

By Chairman Lexow:

Q. It is a sort of trust, isn't it? A. It is not exactly a trust.

Q. Who is A. Jacobs? A. He is at 502 East Seventy-fourth street.

Q. That is another Jacobs then? A. Yes, sir.

Q. Was he a member of the society? A. Yes, sir.

Q. Mr. Ginter also? A. Yes, sir.

Q. I read from your minutes of January 8, 1894: "The finance committee reported the bill sent in by Counsellor Brodsky too high, and a motion was made and carried for to send Mr. Brodsky a check for \$100; the treasurer was ordered to send said check." That was prior to the making up of the purse of \$3,500, wasn't it? A. Yes, sir.

Q. Well, testimony has been given that no money was paid to Mr. Brodsky before that \$3,500; was that testimony true? A. That testimony is true.

Q. That no money was given Brodsky but the \$3,500? A. If you will let me explain, I will bring it out; we were up by Mr. Brodsky before ever this association was formed, and he done some work for us which he charged \$150; I brought it up as one of the committee of our association, and the finance committee found it was too high; then we went up there with \$100, and by that time, when we went up with that \$100, I believe it was all made up in a lump.

Q. But it has been testified that Mr. Brodsky didn't get any money prior to the \$3,500; now, I ask you, is that true? A. I think he got that money besides the \$3,500.

Q. Now, the next meeting, January 20, 1894, reads: "The committee, consisting of Charles Laighte and William Jacobs—that is you, isn't it? A. Yes, sir.

Q. (Continued)— "reported that Mr. Brodsky was not satisfied with a check of \$100, and, therefore, paid the whole bill of \$111.75," which was not \$150? A. I didn't say \$150.

Q. Yes, you did. A. I beg pardon; you misunderstood me; I didn't say \$150, because I didn't know exactly the amount.

Chairman Lexow.—That is not so important. If you will tell the truth in regard to the important matters it will be satisfactory.

Witness.—I will tell all I know.

Q. When were the stands closed by Captain Schultz? A. Some time in April, I guess; I can not exactly tell you the date or the time, but it must have been some time in April.

Q. You wouldn't attempt to give the date, but it was some time in April? A. Some time in April; I wouldn't be certain; I don't know, because in Mr. Schultz's precinct, just as it happened, I haven't got a stand, consequently I didn't pay any attention to it.

Q. But it was a matter that came up in your association? A. Well, yes.

Q. I read from the minutes March 22, 1894: "A motion was made and carried to engage Lawyer Brodsky on account of trouble with the captain closing all the stands in the Thirteenth and Seventh wards; committee was appointed with full power consisting of all members present?" A. Yes, sir.

Q. Was that the occasion when the trouble occurred? A. Yes, sir, that was the occasion.

Q. Hadn't you a stand in either the Thirteenth or the Seventh wards? A. I had one in the Seventh; not in the Thirteenth; I believe Schultz is the Thirteenth; in the Seventh I have got one.

Q. Then I read from the minutes, April 19, 1894: "A motion was made and carried to draw from the treasury \$50 as retainer for counsel fee; so ordered;" was that part of the \$3,500? A. What date is that please.

Q. April 19th.

Chairman Lexow.—How much was that amount.

Mr. Moss.—Fifty dollars.

A. I couldn't say what that was for.

Q. Now, Mr. Jacobs, this book contains all the minutes,

doesn't it? A. That is all we have got, with the exception of—I forgot about that; we have an enrollment-book where every member signs his name.

Q. This contains all the minutes? A. All that I have got in the world.

Q. And all the moneys that were ordered to be paid by the treasurer appear in this book? A. Yes, sir.

Q. Now will you show me anywhere from the 22d of March where an order was made to pay any money to Mr. Brodsky besides that \$50? A. That is a different thing entirely.

Q. Is there any such record of any other money paid to Mr. Brodsky than that \$50? A. I don't think so.

Q. Well, there is not, is there? A. No.

Q. Mr. Brodsky was employed by the society to attend to that matter of Captain Schultz's interference, wasn't he? A. Not exactly of his, of all the customers.

Q. That was an employment by the society? A. Yes, sir.

Q. And the society paid his bill for that, didn't it? A. Well, not exactly for that; the society employed him to do all their business that may spring up during the year of 1894.

Q. Well, here is \$50, and that is all that the society ordered to be paid to him? That is true isn't it? A. Yes.

Q. That is all the society has paid him? A. That is all the society has paid him from the association.

Q. And you have testified that the society employed him to attend to all its interests during the year? A. Yes, sir, outside business.

Q. The \$3,500 was a private bill? A. Yes, sir; each of them chipped in.

Q. And in that \$3,500 the money raised from the standkeepers is included? A. That is part of the \$3,500.

Q. Did you put the money that you got from your standkeepers into that \$750? A. I did not state I paid \$750.

Q. How much did you pay? A. \$250.

Q. Did you put what you collected from the standkeepers in that? A. About \$30; yes, sir.

Q. Is that all you got from the standkeepers? A. That is all in the world; yes, sir; you might as well get blood out of a peanut as to get money out of them standkeepers; it was their own free will; it was their suggestion when they were troubled,

when the stands were closed; that they made up their minds they wanted to raise a fund to employ counsel.

Q. Wasn't the \$5 taken from them when the stand was put up? A. No, sir.

Q. Wasn't the \$5 taken from them as a condition of their beginning business? A. No, sir.

Q. Never? A. Never; not by me.

Q. By anyone for you? A. I have got no one for me.

By Chairman Lexow:

Q. You do your own business? A. Yes, sir; I have only got a small place.

By Mr. Moss:

Q. All the money you got from standkeepers went into that \$250? A. Yes, sir.

Q. That \$3,500 made up by the dealers and the standkeepers was a matter entirely outside of the society and its employment? A. Yes, sir.

Mr. Moss.—Do you want to ask the witness any questions, Mr. Chairman?

Chairman Lexow.—That is all.

Nathan J. Wallman, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. 338 East Eightieth street.

Q. You have been engaged by the counsel of this committee in looking up this soda water matter, have you not? A. Yes, sir.

Q. And in doing so how long a time have you spent? A. Six weeks.

Q. Have you interviewed the manufacturers? A. I have.

Q. Who have you seen? A. I have seen Mr. Jacobs, Mr. Weller, Mr. Wallach; that is all, I guess.

Q. Have you interviewed many of the dealers and standkeepers? A. I interviewed every man in the Seventh, Tenth and Twelfth wards.

Q. And a great many of those dealers are here in court, are they not? A. Yes, sir.

Q. And you have their statements which you have rendered to us? A. I have.

Q. From your conversation with all of these people, do you know whether or not there is a general understanding, rumor and custom among them concerning the payment of money for protection? A. Positively.

Chairman Lexow.—Leave out the word "rumor."

Mr. Moss.—A general custom and understanding.

Q. There is a general custom and understanding? A. There is; every man whom I interviewed told me positively that an amount of \$5 or \$10 is paid to the manufacturers for the purpose of having a permit, and also \$15 and \$10 and \$25 are paid at the commencement of the season for a so-called rentage of the apparatus; a great many of them I asked whether they paid; they said yes; while others said they didn't pay; I asked them how that comes about; they said that is according to the man, according to the man's intelligence; some men get the apparatus gratis, haven't got to pay anything; while others pay the amount of \$10, \$15 and sometime \$20, according to the locality and the man who has charge of the apparatus.

Q. Is there any understanding concerning the use to which the protection money is put, or the permit money? A. Yes, sir; the manufacturers go to these people and get the \$5 for getting these permits; they also claim that if they don't pay, why they take away the apparatus, which was done in a great many cases; I have men here who told me that these manufacturers came to them and after demanding \$5 and being refused the same, they opened all their faucets and let out all their syrups, being a loss to those people of \$5, \$6, and sometime \$7.

Q. They took the stands away? A. They took the stands away for not paying the \$5.

Q. What was the purpose of the \$5? A. The \$5 was for the purpose of protecting these people from all inconvenience on account of the police, bureau of incumbrances and people who were in authority for removing or arresting these people.

Q. You say you spoke to the manufacturers? A. I did.

Q. Give us the interview you had with Mr. Jacobs? A. I went to Mr. Jacobs and I told him I wanted a stand for a mother of mine or a sister; I don't know which; he kind of looked at me; I asked him on what condition he would rent me this apparatus; he said I would have to pay \$15 for the apparatus.

By Chairman Lexow:

Q. He said you would have to pay — A. Fifteen dollars for the apparatus.

Senator Cantor.— Does the manufacturer own the apparatus?

Mr. Moss.— Yes.

Witness.— Generally they buy it from the quarry for rentage, etc.; I don't exactly understand their method of doing business so far as their getting the apparatus, but I know they give it out to the dealers; I told him that I would take this apparatus on one condition, that this lady, who is a very feeble lady, and I being on the road, can not attend to it myself, I thought that if he could assure me that she will not be molested in any way, shape or manner, then I am willing to give him the \$15; not before; so he said that he has in New York city about 200 of these soda water fountains, distributed all over the city, and I asked him whether they were bothered sometimes; he said, "Yes; considerable; but, he said, "All they have to do in case they get a complaint is to bring the complaint right down to me;" he said, "It is not necessary for a man to go to court," because I told him it would shock my mother's modesty to go in a court of justice; he said, "All you have to do is to bring her down to me and everything will be all right," and I shall be protected the same as those 200 people have been protected right along.

By Mr. Moss:

Q. You had a conversation with Mr. Wallach; what was that?

A. Yes; Mr. Wallach was very happy to see me, and he asked me money for the apparatus; I told him that a great many people didn't pay, while others paid; he said, "Well, we will fix that all right;" so I said, "Will I be protected?" he said, "Why certainly;" I said, "Who will protect me?" he said he belonged to the association; they organized for the purpose of protecting these people; I said, "Well, now I want this apparatus right on the outside of the stoop line;" I said, "Can I go ahead and fix the frame for it?" he said, "Yes; go right ahead, and, in case the policeman comes to you, all you have to do is to tell him that you buy the soda water from me and give him \$2 or \$3 in the course of the building of your structure and everything will be all right."

Q. Was it Mr. Wallach mentioned the sum of money? A. No; Mr. Weller.

Q. He mentioned the sum of \$2,000? A. Yes, sir.

Q. Mr. Weller? A. Mr. Weller; I went to him for the same purpose.

Q. Give us the conversation with Mr. Weller. A. He assured me, in fact, that I shall not be molested by anybody, because he said it cost his association \$2,000 this year, or thereabouts, to protect all these people from the bureau of incumbrances, and all these people who are connected with the department; I told him that I will call again and give him a deposit upon the apparatus, but I never called again.

By Senator Bradley:

Q. Did you ask any of these manufacturers if they paid any money to police officials for protection? A. I did.

Q. What did they say? A. Well, they said that the heads of the departments they are under their power, and they also told me that if there is any trouble growing out from any source whatsoever they can meet all trouble from each and any department.

Q. That is not my question? A. A direct accusation on the part of a policeman, they did not.

By Mr. Moss:

Q. Who told you that? A. What.

Q. What you have just told about the heads of the departments? A. These manufacturers.

Q. These three men? A. In my interview, yes.

By Senator Bradley:

Q. You say you went around to a lot of men; are there not a lot of women in the district who keep stands also; did you interview any of them? A. Yes; the women generally are in the inside of a store, and these people pay in a legitimate sort of a way; they get it not as a permit; it is not necessary for those people to have permits because they are inside of the store.

Q. I mean women that have stands outside? A. Very seldom you will find women that have stands outside, except I had one here yesterday and I have one here to-day.

Mr. Moss—I think, Mr. Senators, that there is no use in calling

a multitude of these dealers. We have established the fact, by the confessions of the manufacturers, that the sum of \$5 is exacted. In many cases the testimony of the dealers would contradict some of the testimony of the manufacturers; that is, as to the purpose for which the \$5 was paid; but I think that all the testimony that you have shows clearly that a combination is made between the dealers and manufacturers by which these people having outside stands are protected from interference through the use of money which passes into somebody's hands. It is very clear that the business interferes with the store keepers, and that the store keepers have organized and attempted to get their rights. They have gone to police headquarters and been referred to the captain in one precinct at least—I do not know about others—and their efforts to get the law enforced have been fruitless and have been met with profane abuse. I think that will be sufficient for this branch of the case.

Mr. Moss—Has Mr. Philip Wissig come in? (No reply.)

Anthony Bierman, a witness called on behalf of the State, being duly sworn, testified as follows:

Examined by Mr. Moss :

Q. Where do you live? A. No. 130 Orchard street.

Q. Are you married? A. Yes, sir.

Q. Do you know Philip Wissig? A. Yes, sir.

Q. How long have you known him? A. About two or three years.

Q. Have you had any trouble with Philip Wissig? A. Yes, last night.

Q. Well, prior to last night? A. With his son.

Q. Prior to last night you had a letter from Mr. Wissig, didn't you? A. Yes, I received a letter from his son that I should be careful, that any time late at night if he meets me he kills me.

Q. You got that letter from Philip Wissig's son? A. Yes, sir.

Q. That his father would kill you if he met you in the night-time? A. Yes, sir.

By Chairman Lexow :

Q. He or his father? A. He and his father.

Q. Did the son write to you that he would kill you? A. Yes.

Q. Or that his father would kill you? A. Yes, both

Q. That both would? A. Yes, sir.

By Mr. Moss :

Q. You had had some trouble with Mr. Wissig before that had you not? A. Yes, he insulted me and my wife.

Q. I want you to tell about this first trouble; when was it? A. It was last summer; I took a walk with my wife in Eighth street park, and Wissig was sitting with his friends; there was corner loafers standing there; then he went after me and insulted my wife and me; I told him what was the matter; I said if he don't stop it I will make a charge against him; "I will kill you, you cannot;" then he said if I don't keep quiet that he will teach me, I should know that he is Wissig and he is not afraid of anybody.

By Senator Bradley :

Q. He was Wissig and was not afraid of anybody? A. Yes, sir; I said "I don't belong to your party, I am an honest man, I want you to let me alone, don't bother me never;" I was living in Tenth street, and I was passing always through Allen street.

Q. About the time that he insulted your wife, what was the result? Did he say any more when you told him you were a decent man and didn't want to have any trouble with him?

A. Yes, he didn't do anything, but he always bothered me afterwards, him and his friends; yesterday my wife went to her family and went to Niblo's theater; then I wanted to go to Pennsylvania, and I wanted to see her first, and Wissig saw me —

By Mr. Moss:

Q. You went to the theater for your wife, didn't you? A. Yes, sir.

Q. To Niblo's theater for your wife, to bring her home? A. Yes, sir.

Q. And Philip Wissig saw you? A. Yes, sir.

Q. Philip Wissig saw you? A. No, junior; not senior

Q. This was the son? A. Yes, sir; two policemen were standing near the beer saloon there where he keeps the beer saloon;

My wife was stopping by her relatives, and Wissig was running after me!

Q. Which Wissig? A. The younger; and then he struck me right back there (witness refers to the back of his neck) without saying a word; I told him why don't he go his own way; I haven't done nothing to him; I took my wife by the hand; I said, "Come home, I don't want any trouble;" my wife began to cry; she was afraid, and two policemen came all together and all three together knocked me down; one right here (witness refers to his forehead) and pushed me down on the road, knocked me down; I was not conscious; I didn't know what happened; the blood was running out of my mouth and nose and they left me there; and I went in the morning to the police station-house at Eldridge street to make a complaint against the officers; there was an officer standing there, he didn't want to let me in; I said I wanted to know the name or number of the officers; he said, "Go and find out yourself, get out of here you son-of-a-bitch," or something like that.

Q. You tried to get into the station-house and the officer prevented you? A. Yes, sir.

Q. You said you wanted to get the names and numbers of the officers that assaulted you with Mr. Wissig last night? A. Yes, sir.

Q. And they told you to get out? A. Yes, sir.

Q. What else did they say to you? A. Give us the whole conversation.

Senator Bradley.—The said, "Get out you son-of-a-bitch?"

Witness.—Yes, sir; those are the words.

Q. What officer was it? A. I don't know.

Q. Was it an officer on the stairs or an officers inside? A. Inside.

Q. Was he behind the desk? A. No; I was this morning there and there was a sergeant there.

Q. You went to the station-house this morning and saw the sergeant behind the desk? A. Yes, sir; and he told be to be there to-night at five minutes before twelve, and he will give me the names and numbers of the policemen.

Q. Why didn't he give you the names or numbers of the policemen then? A. I don't know why:

Q. He wants to get you into the station-house at five minutes to twelve and then he will give you the names or numbers of the policemen? A. Yes, sir.

Mr. Moss.— We will send some one with you then.

Senator Bradley.— You had better.

Q. That is the Eldridge street station? A. Yes, sir.

Q. Do you know the name of the sergeant that was behind the desk this morning? A. No, sir.

Q. Have you seen Mr. Wissig or his son since then? A. Yesterday I asked the gentleman with the red whiskers to go with me because I was afraid.

Q. You asked Mr. Dennett to take you home because you were afraid? A. Yes, sir; he said "Don't be afraid; I will spend two or three hours; if they do something to you, I will protect you.

Q. You have been clubbed by policemen in company with Mr. Wissig? A. Yes, sir.

Q. You have been frightened? A. Yes, sir.

Q. You have been afraid of your life? A. Yes, sir.

Q. And you have come to this committee to put yourself under its protection? A. Yes, sir.

Q. And you were put under the protection of one of the agents of the committee last night? A. Yes, sir.

Q. To see that no further harm came to you? A. Yes, sir.

Q. Didn't you feel that you could get protection in the station-house? A. No, sir; I was afraid to go there because they can arrest me; I never was in trouble and I heard if they get somebody there they will club him to death.

Q. You knew of no other place in this city only to come here for protection? A. Only to come here.

Mr. Moss.—I can bear testimony to the witness' statement. He came to me yesterday trembling with fear. He said he was afraid to go anywhere, and begged me to give him a man that would give him protection for a little while. I put him in charge of Agent Dennett, and he has been under his protection since. That emphasizes the statement I made yesterday morning. Every day we have had from two to four men who have been clubbed unmercifully, but whom we have not had time to put on the witness stand. They come here for protection.

Chairman Lexow.—I do not think, Mr. Witness, that you need protection any longer. As soon as you leave the stand to-day you will be as well protected as any man in the city.

Witness.—They come always with a pistol.

Q. Didn't Mr. Wissig have something which he drew out of his pocket? A. Yes, sir; a club; a police club; a small one.

By Chairman Lexow:

Q. Who; young Wissig? A. Yes, sir.

Q. Did young Wissig direct these officers to make that assault on you? A. I can not tell you; they were all three together; at one time I was knocked down, and I asked what is the matter; if I have done something wrong why don't they arrest me.

Q. This occurred the night before last, didn't it? A. Yes, sir; it was the day before yesterday, early in the morning.

Q. In the night time? A. Yes, sir.

By Senator Bradley:

Q. Has this gentleman taken any legal proceedings yet; have you gone to court or taken out a warrant for Wissig? A. I couldn't get a warrant then; it was too late.

Q. You could have got a warrant yesterday? A. The policeman told me it was too late; no warrants to-day.

By Chairman Lexow:

Q. What is your business? A. I had a restaurant at 88 Park Row; now my father keeps there.

Q. Have you ever been arrested? A. Never in my life.

Q. Ever been charged with a crime? A. Never in my life.

Q. Ever had any trouble with the police before? A. No; I never was in trouble with them in my life.

Q. Did Wissig hit you before either of these two officers hit you? A. Yes; I took my wife this way by the hand; I said, "Come home now; we don't want any trouble;" she started to cry and Wissig took a club and struck me right here, and the two policemen came and knocked me down; two big buggers; they knocked me down, all three together, and left me there on the street.

Q. This was yesterday?

Mr. Moss.—Early yesterday morning?

A. Wissig was standing on the corner with one policeman, and the other went to Orchard street against me and said, "Now you have enough; go to bed; go home."

By Senator Bradley:

Q. Didn't your wife halloo for police? A. She was afraid.

Q. Didn't she halloo for police?

Mr. Moss.—The police were there.

Senator Bradley.—I know, but some police to arrest these people. The chances are that those two policemen were drunk.

By Mr. Moss :

Q. Your testimony at the beginning was so feeble, your voice was so feeble, that we have not all understood it; you had some trouble with Mr. Wissig, senior, last year, didn't you? A. No, only with junior.

Q. That was for insulting your wife? A. Yes, sir; he was always running after my wife with the tramps, them people that never work, that sit all day in a saloon, and he treats them with beer and they do what he wants.

Q. He and a crowd that hang around him? A. Yes, sir.

Q. Where is the saloon? A. Corner of Stanton and Allen; there was a disorderly house in the same house.

Q. You resented the insult that young Wissig gave to your wife last year? A. Yes, sir.

Q. Then you got a letter from young Wissig? A. Yes, sir.

Q. Threatening you? A. Yes, sir; he said "Any time I meet you late at night I will kill you, I or my father."

Q. And he has annoyed you at various times since then? A. Yes, sir.

Q. He has annoyed you since then? A. Always.

Q. And then early yesterday morning— A. Yes, sir.

Q. Just after midnight— A. Yes, sir.

Q. This assault was made upon you? A. Yes, sir.

Q. The policemen coming to Wissig's assistance? A. To Wissig's assistance, and knocked me down, all three together.

Senator Bradley.—Have you seen the letter, Mr. Moss?

Mr. Moss.—I have not.

By Senator Bradley :

Q. Have you got the letter that he wrote to you? A. I will find it.

Senator Bradley.—Find the letter and give it to Mr. Moss.

Witness.—On the paper was "Assembly Rooms."

By Mr. Moss :

Q. Where did the assault occur? Where did it take place? Where were you hit? A. Corner of Rivington and Allen; there was a salon there.

Q. Rivington and Allen? A. Rivington and Allen.

Q. You had got your wife and were taking her home? A. Yes, sir.

Q. And just there Wissig met you? A. Yes, sir.

By Senator O'Connor :

Q. Have you any marks now? A. I am all blue behind.

Q. I mean in the face were you hit, have you got any marks? I want to get at the extent of the assault; if he was assaulted last night there ought to be some evidence of it there now.

By Senator Bradley :

Q. There is a misunderstanding; do we understand it was young Wissig or his father that assaulted your wife first in the park? A. Only the son.

Q. Was it the young man or the old man? A. The young man.

Senator Bradley.—Don't forget that letter. Bring it to Mr. Moss or Mr. Goff.

Witness.— Yes, sir.

J. Granville Smith, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. One thousand and forty-eight Fifth avenue.

Q. You know Mr. R. W. Elliott, don't you? A. Yes, sir.

Q. Mr. Elliott and you lived together or hired a flat, didn't you at one time? A. No, sir; I didn't.

Q. Mr. Elliott had a flat, didn't he? A. Possibly he might have been interested in one.

Q. You met Mr. Elliott frequently at a flat, didn't you? A. I did.

Q. Where was the flat? A. I couldn't tell you the number; my impression is that it is 239 Thirty-ninth street; but I couldn't tell you the number.

Q. Two hundred and thirty-nine West Thirty-ninth street?
A. I am not sure.

Q. Somewhere in that neighborhood? A. Yes, sir.

Q. That was in the Twentieth precinct? A. Well, what precinct I don't know; I don't know what precinct.

Q. You went there for social recreation, didn't you? A. I presume that is what they met for; I was seldom there myself.

Q. When you went there you had pleasant times together?
A. Yes, sir.

Q. Played cards? A. Yes, sir.

Q. Who else was in the company besides you and Mr. Elliott?
A. I don't think —

Senator O'Connor.— What is this, a gambling-house?

Mr. Moss.— Not exactly.

Witness.— No, sir; I don't think I can recollect at this instance the names; later I might give them to you.

Q. You played cards or games of chance pretty near every night, didn't you? A. No, sir.

Q. Very frequently? A. No; I think not very frequently.

Q. Staked a little money for friendly contests? A. Yes, sir.

Q. And by some misunderstanding or other some of your party were arrested, weren't they? A. I don't know as there was any misunderstanding; they were arrested.

Q. Were you arrested? A. Yes, sir.

Q. Who arrested you? A. Captain Price.

Q. When was that? A. I think that was the night before Easter.

Q. Of last year, 1893? A. I think it must be 1893; it is either 1892 or 1893; 1893, I think; I am not sure.

Q. You were all charged with being inmates of or keeping a gambling-house? A. Yes, sir; outrageously charged so.

Q. What judge did you come before? A. Judge Grady.

Q. You were not held for trial? A. Not held for trial.

Q. You were discharged? A. Paid a fine.

Q. You didn't pay a fine to Judge Grady? A. I paid a fine in his court.

Q. Then you paid a fine as an inmate of a gambling-house, as a disorderly person? A. I presume that is what the charge was; I was accidentally in there; I never happened to go there but two or three times in my life; this was kept by gentlemen who occupied it for rooms to live in.

Q. Who was held upon the charge of keeping a gambling-house there; was Mr. Elliott? A. No; I don't know whether they designated any one or not.

Q. How did Captain Price come to raid that place? A. Well, I couldn't tell you how he came to.

Q. Haven't you any information on the subject? A. How he came to?

Q. Yes. A. No; I couldn't tell you.

Q. How did Captain Price come to make the raid; what information had he? A. Well, that I couldn't positively tell you.

Q. Didn't a detective call there on one occasion before the raid was made? A. Not to my knowledge.

Q. Have you heard of it? A. No.

Q. Didn't a detective call and make a strike for some money? A. I think not.

Q. After you were discharged, or after you had paid your fine and were discharged you went there again, didn't you; you continued to go there? A. I think some of them did; I don't think I did.

Q. Did you stop? A. I possibly might have gone there again; I think perhaps I might have gone there again, but I couldn't swear.)

Q. What did you and your party do to stop police interference after that? A. What did I do?

Q. I mean you and your party? A. Well, you can hardly say me and my party, because I did nothing.

Q. What did anyone do who was in that party? A. Personally, I don't know what they did.

Q. What do you know by rumor or by statement of any one? A. That they paid them \$25 a week.

Q. That they paid Captain Price \$25 a week after that? A. By rumor, that is all I know.

Q. To prevent any further raids? A. Yes, sir.

Q. That was a respectable place? A. Yes, sir; gentlemen keeping bachelor apartments.

Q. You were gentlemen visiting together and occasionally passing your time playing cards? A. Yes, sir.

Senator O'Connor — What was the rumor?

Q. Now, who told you? A. I was told by two or three; I couldn't remember the names.

Q. Two or three of that party? A. Yes, sir

Q. Can you give us a name? A. I don't think I could tell you who told me.

Q. Who kept the flat? A. I think the flat was taken under the name of a Mr. Cole.

Q. Where is Mr. Cole? A. His place of business.

Q. Yes? A. It is somewhere in Worth street.

Q. What is his first name? A. John, I think; those gentlemen had these apartments; they lived out of town; and when they stayed in town during the week, they had these apartments to live in; I think some of them roomed there all the time.

Q. Did Mr. Cole tell you that \$25 had to be paid to Captain Price? A. I couldn't swear that he did.

Q. But several of the gentlemen that had that apartment told you? A. I was told; yes, sir.

Q. Did you pay anything toward the \$25? A. I don't think I had anything to do with it afterwards.

Mr. Moss.— You may step aside, unless the committee desire to ask some questions; I will call Mr. L. W. Elliott; the witness says that he will furnish us with such information that we can get the whole of this case. I think Mr. Chairman, that we might take a recess now.

Senator O'Connor.— Very well.

Mr. Moss.— The soda water witnesses need not return this afternoon.

Senator O'Connor.— All other witnesses subpoenaed to attend, except those connected with the soda water cases, will be here this afternoon promptly at half past two.

AFTERNOON SESSION.

October 18, 1894.

Present—Senators Lexow, Bradley, Robertson and O'Connor. John W. Goff and Frank Morse of counsel for the committee.

Theron S. Copeland, called as a witness for the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Captain Copeland, you command the harbor police, don't you, sir.

Q One of your officers brought these blotters to court the other morning by your direction, didn't they? A. Speak a little louder, won't you.

Q One of your officers brought these blotters to court the other morning? A. Yes, sir.

Q And when he was asked to hand them to counsel for the committee, he refused until we would tell him what entry in the book we wanted to look at; he said those were his orders; did you give him any such orders? A. No, sir; he never received any such orders, not from me.

Q. Do you know whether he received any such orders from any one? I do not.

Q. It is come to our attention, captain, that there is an entry in your blotter on the 13th of June, 1894, at 9 o'clock, which I will read to you, and then ask you to explain: "Memoranda, At 9 A. M., a citizen who refused to give his name came to this institution and reported that a man named H. H. Cline, of No. 415 West street, is going to excursion parties collecting money, and says he is authorized by Captain Copeland." Captain, who is H. H. Cline? A. I don't know, sir.

Q. Was this entry made while you were in the station-house? A. No, sir.

Q. How soon afterward did you come in? A. Probably an hour; you see my entry there.

Q. Ten thirty, an hour and a half afterward? A. Yes, sir.

Q. Was your attention called to this entry? A. It is my business to examine the books every day, and when I came in I saw that entry, and asked the sergeant if he made it; he said he did, and I said to the sergeant, "Why didn't you have this man remain here, and detain him until I came in;" he said the man would not remain, and went away.

Q. Had the man asked for you? A. I don't know.

Q. Was it so stated to you? A. I don't remember.

Q. What did the sergeant say to you in addition to this entry? A. He said nothing.

Q. Did you ask him for a description of the man? A. Yes, sir.

Q. Did you make any efforts to find that man? A. Yes, sir.

Q. And you did not find him? A. I did not; no, sir.

Q. What did you do about this entry? A. Nothing further than that.

Q. Just made an inquiry of the sergeant? A. No, sir; I went

that night to No. 415 West street and made inquiry; they said they knew no such man.

Q. You went personally, I understand you? A. Yes, sir; I went personally.

Q. Have you made any other efforts to find Mr. Cline? A. No, sir.

Q. That is all you can say about this entry? A. That is all I know about it; yes, sir.

Q. I see that the blotter states that the case was investigated by Captain Copeland? A. Yes, sir.

Q. That is the extent of your investigation? A. Yes, sir.

Q. Did you look for anybody by the name of K-l-e-i-n? A. I asked for Cline; I didn't spell the name at all.

Q. Did you look in the directory for him? A. No, sir.

Q. You did nothing but go to 415 West street and ask for the man? A. Yes.

Q. What did you find at 415 West street? A. A liquor store.

Q. Did you inquire in the liquor store? A. Yes, sir.

Q. Who did you see? A. There was a man standing in the door; I got there about 9 o'clock at night; I asked him if he knew anybody there by the name of Cline; if there was anybody living there by the name of Cline, and he said there was not.

Q. Did you make any further inquiry? A. That is all.

Q. You felt that was inquiry enough? A. I thought so; yes.

Q. Do you have practical relation to excursion boats? A. No, sir.

Q. Do they have anything to do with the harbor police? A. Not specially.

Q. Do you furnish escorts? A. No, sir; there have been numerous persons made applications, but those details are made from the Central office; they are always referred to the superintendent.

Q. But they are made out of your precinct, are they not? A. No; generally old men sent on there.

By Senator Bradley:

Q. Did you read the proceedings of the Lexow committee about two months ago? A. I could not say.

Q. Do you remember about a man by that name, whose name was used here before the committee, of Cline? A. No, sir.

Williamsburg, running a lager beer saloon the same man there; but you ought to investigate me the address I will.

Senator Bradley.— He keeps a lager beer saloon, opposite Captain French's station-house.

The Witness.— I will remember that.

By Mr. Goff:

Q. I want to ask you under what officers' jurisdiction as police work is concerned, are the waters of New York harbor and the Hudson river and the East river? A. They are under the jurisdiction, subject to the orders of my superior officers.

Q. I mean you are the officer on whom the responsibility rests touching the waters around the city harbor police.

Q. Do you know of any arrests ever having been made by you have been captain of the police for violation of law on Sundays? A. No, sir.

Q. Did it ever come to your knowledge that there had been continually, and weekly, and daily violations of the law on the waters of New York harbor? A. I had a suspicion of it.

Q. What gave rise to the suspicion? A. Well, the boats have bars on them.

Q. Well, since you had suspicion the law was being violated, did you ever take measures to investigate whether or not it was?

Have you reported it to your superiors? A. No, sir.

Done nothing about it? A. Done nothing at all.

The fact is your officers were collecting blackmail from all excursions going up the Hudson river on Sunday? A. I do know that as a fact.

Did you ever hear it before? A. No, sir.

Why didn't you try to suppress what you had a suspicion of a violation of law? A. If my boat should go alongside of those boats do you suppose they would sell?

I am not supposing anything; I am asking you why you do not do something. A. The reason that I did not do so was because I could not have got any evidence.

Did you ever try to get evidence? A. No, sir; I knew it was useless.

Why did you know it was useless if you did not try? A. Because it was useless.

You knew it was useless, with the harbor police at your command, and with the police boat, it was useless to attempt to get evidence of the violations of the law? A. These

Wait a minute.

By Chairman Lexow :

That is a fact is it; you knew it was useless? A. Allow me to make this explanation; our boat is a large boat, and the moment that that boat would approach an excursion boat it would stop selling, and consequently we would not arrest it. We would have to have the boat slow down; here is a boat coming up the river which has probably three or four boats in tow, and we could not run up against that boat without stopping the boats, they would have to stop and we would have to allow us to get aboard; and the consequence would be that even if we got aboard there would be no evidence of violation of the law.

By Senator Bradley :

How many men have you got under your command, captain?

A. About thirty-two.

Would it be any danger to the efficiency of your department if you selected two or three men to go on board of these excursion boats in citizens' clothes; would there be any difficulty in detecting the violation of the excise law? A. I don't know that, sir.

Q. Don't you really know it could be done? A. I think possibly it could; but most of these boats, I understand, do not sail within our jurisdiction.

By Mr. Goff:

Q. How do you know that? A. Well, I have a suspicion they don't.

Q. How do you know? A. I don't know it as a fact.

Q. Then why did you state it? (No answer.)

Chairman Lexow.—What I do not understand, Mr. Goff and witness, is that you have made no effort; you simply say you know you cannot discover a violation of law of that kind, and yet you have never made any effort to discover it.

Mr. Goff.—And it would be useless to do so.

The Witness.—I think it would be useless for us to attempt to board these excursion barges with our boat.

By Mr. Goff:

Q. But just as Senator Bradley says, of course it goes without saying that if a police boat goes up to an excursion barge, and with the flag of the police flying, they are likely to recognize that as a police boat? A. Yes.

Q. And they are not going to violate the law in the presence of a police boat? A. No.

Q. So your theory is that persons violating the law, if they are notified in advance that the police are coming, it is impossible to get evidence against them? A. Yes.

Q. And you take care to notify them in advance by sending the police boat and the police flag flying at the masthead? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean that, Captain?

Mr. Goff.—Of course he does, sir; it is a fact.

By Mr. Goff:

Q. Now you have stated that these boats have bars? A. Barges.

Q. But you said something about them selling liquor, selling drinks? A. I presume they do; yes, sir.

Q. You said bars; now you, with that knowledge that these boats had bars for the sale of liquors, you never made any

effort to find out whether they sold within your jurisdiction?

A. No, sir.

Q. Is it not a matter of fact to your knowledge, known to you that very many of these Sunday excursions advertise to let the privileges of the bar on that excursion? A. As a fact I never saw one.

Q. Did you ever hear of it? A. I have heard of it; yes, sir; as a fact I have never seen one.

Q. Isn't it a common custom that all the day excursions that go up the North and East rivers on Sunday, that they all have their bars on board? A. Yes, sir; I think they do.

Q. Now, the man who runs the bar, or who buys the privilege of selling there, that man certainly has no license? A. No.

Senator Bradley.—Mr. Goff, they not only sell it, but they advertise to sell it at auction.

Mr. Goff.—Yes, that is what I mean, to sell the privilege at auction to the highest bidder.

By Mr. Goff:

Q. Now you, Captain, as a police officer, ought to know that a man who buys the privilege of the bar at auction, that he has no license to sell liquors on that excursion boat or barge, and you have never taken any steps toward finding out whether such things exist or not? A. No, sir.

Q. Don't you know that from the time that one of these excursions starts from the dock that your boat sticks to her until your men are paid and settled with? A. No, sir; that is not so.

Q. How do you know? A. Because I am on the boat.

Q. Are you always on the boat? A. Yes, when she goes out.

Q. You are always on the boat? A. Yes, sir.

Q. And you always have the police flag flying? A. Yes, sir.

Q. And before you reach the excursion of course everything in order? A. I did not say that.

Q. Isn't it a reasonable inference? A. Yes, sir; that is a reasonable inference.

Q. There is no necessity of your approaching them with a brass band and notifying them of your coming, is there? A. No, sir.

Q. Have you boarded the barges yourself? A. No, sir; never was on an excursion in my life.

Q. So all you did was to go to make a show I received an anonymous letter sometime since Excise law — received it through the superinte Excise law was being violated on board the ste going up to West Point, I sent two officers c dress; they boarded the boat at Brooklyn, and on the boat until she arrived at Yonkers, but t opened; and then they again boarded the boat down and touched Yonkers, and got off at We and they reported there was no violation of the time they were on the boat; of course we had no outside of our jurisdiction.

Q. We understand that; that is the only effort

A. That is the only one.

Q. Now the Columbia runs regular Sunday ex summer time, doesn't it? A. Yes, sir; I think :

Q. Newburgh and West Point? A. No; runs

Senator Bradley.— Oh, no; not the Colum Sunday excursions to Newburgh and West Poin Lynch.

The Witness.— No, sir; Captain Lynch don't r

Q. That is the Majenta; my inquiries were excursion parties on the regular Sunday boat excursion clubs and associations, etc.; those th have attracted my attention? A. If you will s plain, the Columbia commences as soon as the sets in and these boats run to various points, and West Point and other places.

Q. That is the position you occupy, so that, so far as you know, and with the knowledge that you possess, that you have testified that you have heard that the privileges of the bar were given to the highest bidder, the law was being violated Sunday after Sunday, and you took no measure? **A.** I did not say I knew they were given to the highest bidder.

Q. You swore you heard that? **A.** No, sir.

Q. You admit it a moment ago in answer to my question; you admitted a few moments ago, in answer to my question, that you did hear the privileges of the bar were advertised for sale; you admitted that? **A.** I will let it go at that.

Q. Is there anything further that you don't want to let go? **A.** No, sir.

By Chairman Lexow:

Q. Don't you think it part of your duty as commandant of that precinct, if you so call it, to look up and detect crime when you know it is committed? **A.** Yes; ready and willing to do it.

Q. Why don't you do it? **A.** Why, the difficulty we labor under is while we have 32 men there are only nine of them on duty at one time.

Q. Why is that, Captain? **A.** Because they are divided into sections, and the men have to sleep; they are now divided into five sections, and there are only four or five on one section; one section is duty for patrol, reports there in the morning at 7 o'clock and remains over until the next morning, and subdivided into watches not exceeding six men, and then they are relieved the next day and are off 24 hours, and then they are relieved by another section; in the meantime the patrol on the river is kept up on two small boats; now, these excursions, all of them go without our jurisdiction; and if I was — I could not put less than two men on, because one man would have to protect the other, as it were in case they were assaulted; the excursions are all without our jurisdiction, that is, their destination; and they are only in our jurisdiction for a short sail; and hence, if I put men on those boats there would be no getting those men off unless we made a united effort — the superintendent made a united effort; we would have to send more men; and then these boats, as soon as they are out of our jurisdiction we are powerless.

Q. How is it you, in control or command of that work, have not yet said to the superintendent, I know as a matter of common rumor that the law is being violated in my precinct; won't you put more men at my disposal in order to detect this crime; don't you consider you owe it a duty to the community to enforce the law in your district? A. Yes, sir; I am ready to do it at any time.

Q. Why don't you follow it up?

By Senator Bradley:

Q. Were you ever told that this fact exists that there has not been an excursion left New York or Brooklyn for the last ten years, when the thing was initiated first, it is now every Sunday, that that bar is open two hours before they leave the dock and keeps open continually? A. I am not responsible for that.

Q. Don't you know such a thing occurs? A. No, sir.

Q. I inform you that that is the fact; the bar is open two or three hours before the excursions leave the dock, and keeps open continually whether in your jurisdiction or not? A. I am not aware of that fact.

By Mr. Goff:

Q. You talk about your jurisdiction; your jurisdiction extends from the embarkation of that excursion until they reach the city line of Yonkers up the Hudson? A. Yes, sir.

Q. And if they go up the East river your jurisdiction is up to Barretti's point? A. Yes, sir.

Q. You did not raise a question about your jurisdiction not extending when you sent two men on board the Columbia? A. No, sir.

Q. But you sent them there? A. Yes, sir.

Q. You got out at Yonkers? A. That was the first landing.

Q. That was the extent of the jurisdiction? A. Yes, sir.

Q. Now, what Senator Bradley says is notorious to every resident in the city of New York, except possibly the police captain in command of the harbor police, that an excursion never leaves a dock in New York harbor on Sunday that they do not open the bar before they start from the dock, and continue and sell right along up the Hudson river or East river: is that the fact or not? A. I do not know.

Q. How long have you lived in New York? A. Oh, 50 years.

Q. How long have you been captain of this command; two years you say? A. Yes, sir.

Q. Any yet we have it that a police captain is the only man in New York who never heard that the law was being violated every Sunday during the excursion season of the year.

By Chairman Lexow:

Q. Not only that, Captain, but isn't it a fact that when these barges return after the excursion is completed that you hear sounds of the most riotous description upon these barges; that there is no effort made to conceal the fact that a large number of people upon them are absolutely in the last stages of intoxication; the assaults of all kinds and description occur on these barges; isn't that a notorious fact? A. I don't think so.

Q. Have you never heard of it? A. No, sir.

Q. Have you never seen these barges in that condition yourself? A. No, sir; I was in command of the Thirteenth precinct for six years, and there were barges started from there, and I was on the docks frequently when they came home, and never saw them in that condition; I was in command of that precinct.

By Senator Bradley:

Q. How often have you been signalled with the flag of distress where there was a riot on board on Sunday evening? A. Never since I have been in command.

Q. Never? A. No, sir.

By Mr. Goff:

Q. Do you mean to say you have never been signalled? A. No, sir.

Q. Haven't the newspapers on Monday morning frequently reported a signal of distress by reason of rioting on these excursion boats; they are all untrue, are they? A. They are so far as I am concerned.

Q. How many hours of the day of the 24 do you sleep, Captain Copeland, or are you asleep all the time? A. I sleep very little.

Q. It seems that the captain of the harbor police, who does not know or has not heard of these things inquired of you by the Senators and myself, would be asleep all the time; are you

equally ignorant of the reports reaching you that whenever men board these excursion barges they get from \$10 to \$20 and sometimes as high as \$30? A. I am ignorant of that too.

Q. How long have you been captain of police? A. Thirty odd years.

Q. You have been captain 30 odd years? A. Yes, sir.

Q. By the way now, while you are here captain, I want to find a little item of information that occurs to me; you attend the police captains' dinner every year, don't you? A. Yes, sir.

Q. And those dinners are had at the expense of the captains in New York? A. Yes, sir.

Q. Have you got many guests there? A. Yes, sir.

Q. Men of prominence in the State, city and country? A. Yes; we try to get the best citizens we can.

Q. And you entertain them right royally? A. Yes, sir.

Q. And that is a dinner that has a reputation of being the best dinner served in New York? A. Yes, sir.

Q. The captains are good judges of wines and cigars? A. Yes, sir.

Q. How many captains are there in New York? A. Well, I don't know; there should be 35, I think.

Q. Well, there is, say one or two acting captains now; well, averaging, there should be 35? A. Yes, sir.

Q. How much is each one assessed for the expense of that dinner? A. They have been assessed as high as \$20; but the last two years they were assessed \$15.

Senator O'Connor.—The captains' dinner?

Mr. Goff.—Yes.

Senator O'Connor.—The captains eat them themselves, don't they?

Senator Bradley.—No; they do not.

By Mr. Goff:

Q. Fifteen dollars a head? A. Yes, sir.

Q. They have music there? A. Yes, sir.

Q. And you have had as many as 50 guests there at some dinners? A. Oh, yes.

Q. More than that? A. Over 100 — 200.

Q. Two hundred guests? A. Yes.

Q. There are 35 captains? A. Thirty-five captains, four inspectors, one superintendent.

Q. Do they contribute? A. Yes.

Q. They contribute in ratio to their salary? A. They are all assessed alike.

Q. That would be 35 and four — 39, and one superintendent, 40; now, captain, I suppose you are aware of the fact that there is not a dinner served at Delmonico's, or the Brunswick on any important occasion that is less than \$10 a plate? A. Yes, sir; I am aware of that fact.

Q. You had dinners for 200 guests and 40 officials — 240; well now, you have to pay for the guests? A. Certainly; each man pays for his own guests.

Q. I know; I don't care how it is paid, individually.

Senator O'Connor.— That is in addition to the assessment.

Q. According to your rate, that would be \$600 for that dinner, if the captains gave \$1 a piece? A. Yes, sir.

Q. I find on computation at \$10 a plate — I understand the plate is \$12? A. No, sir; they are \$7.

Q. Oh, you get a rebate? A. I suppose they do; they started in on that, and they have always kept it at that.

Q. That is \$1,400 against \$600, at your own figures; the dinner costs as against \$600 subscribed; how do you explain the discrepancy? A. I do not understand that question.

Q. According to your figures, there have been dinners that would cost \$1,400 against \$600? A. Each member is allowed three tickets.

Q. Has he to pay for those extra? A. Yes; he has to pay extra for them.

Q. So the captains may pay \$45? A. Yes, sir; he may pay \$50, if he wants to, I suppose.

Q. Fifty dollars, once or twice? A. I don't say so; I say, if he wants to.

Q. If he utilizes the invitation plates at his disposal, he is supposed to be taxed \$45 for three, or \$60 for four? A. Well, \$15 and \$21; it would be \$36.

Q. What is your salary? A. Two thousand seven hundred and fifty dollars.

Q. That is a pretty steep item on a salary of \$2,750, to pay for the luxury of a dinner once a year? A. It is.

Q. And all for the purpose of hearing yourself praised? A. I can not say that.

Q. How much real property do you own, captain? A. I own a house and lot where I live, and one next door.

Q. What is the value of the house and lot where you live?
A. I paid \$8,500.

Q. How much is the market value now? A. I don't know.

Q. Have you ever had it appraised? A. No, sir.

Q. Isn't \$13,000 a fair valuation for it? A. If I wanted to sell it, I would like to sell it for that.

Q. What is the house and lot next door worth? A. I presume that is worth the same, or a little more; I gave \$11,500 for it.

Q. Worth a little more? A. No; I don't think so; I gave all it was worth and a little more.

Q. We have it you have \$20,000 or \$25,000 invested in real estate? A. No, sir; \$20,000.

Q. Would you be willing to sell your property to-day at \$20,000? A. No, sir.

Q. How much would you be willing to sell it for? A. I would not sell it at all.

Q. What does the house next door bring in to you as rent?
A. Paying \$800.

Q. Paying \$800 per year; that is a valuation of about \$12,000 at the rate of 6 per cent., which is considered a fair investment upon the rental, isn't it? A. Well, I have not figured on it.

Q. Well, I have; you have a family? A. Yes, sir.

Q. How many persons does your family consist of? A. Eleven.

Q. Eleven persons? A. Yes, sir.

Q. And is there any income going to the support of that family, except your income of police captain? A. Yes, sir.

Q. How long has your income gone into that family? A. Ever since I went into that house.

Q. What is the income? A. I think it averages \$600 a year.

Q. From what source? A. Rents.

Q. I am not speaking about that; I am speaking if there is any income from any other member of the family except yourself? A. Yes, sir; I have two sons.

Q. What business are they engaged in? A. Well, they are clerks.

Q. Where? A. I do not think it is necessary for me to answer that.

Q. I think it is; I think it is, captain; they are not engaged in any dishonorable employment, are they? A. No, sir.

Q. They are not engaged in any employment that would bring the blush of shame to your or their cheeks? A. Nô, sir.

Q. Why should you object to state it now? A. I do not think they should be mixed up in this.

Q. There is nothing in an honorable employment to mix up anyone; you are deriving an income from them to the suport of your family? A. Yes, sir.

Q. I ask you where and how that income is derived from them? A. I answered that question; I say I have two sons.

Q. Where are they employed? A. Shall I answer that question?

Chairman Lexow.—Yes.

The Witness.—One is a clerk in the Park Bank, and the other is employed with the Evening Post.

Q. Are they married? A. One is, and one single.

Q. The one that is married, I suppose, supports himself and his family? A. Yes, sir.

Chairman Lexow.—If you refuse or we sustained any objection of yours to answer a question of that kind you would appear to disadvantage before the community greater than if you answer the question. If you have nothing to conceal, what is the reason you should not answer the question?

Senator Bradley.—In answering the question, he has established himself before the community that they are in honorable positions.

Mr. Goff.—We have nothing to do with the members of your family, but we have to do with the position of the police captain.

Senator Bradley.—He only derives, he says, \$600 a year?

Mr. Goff.—That is from the house.

The Witness.—That is from the house.

Chairman Lexow.—One moment. Mr. Goff. Is William Murray in court? William Murray; is he in court? Make an note of the absence of William Murray. Joseph W. Kay (Mr. Kay answers "Here.") William H. Gammon; is William H. Gammon in court? Make a note of the fact that William H. Gammon is not in court. You will make a further note that the chairman called the names of those two witnesses and they failed to reply; that the hour is now 3:30 p. m.

By Mr.Goff:

Q. Do you own any mortgages? A. No, sir.

Q. Have you any account in the trust company? A. No, sir.

Q. Or bank? A. No, sir; yes, I have an account in a bank.

Q. Deposit or savings? A. Savings bank.

Q. What is the extent of your account there? A. I think it might be \$3,000.

Q. Have you that money invested in any way? A. No, sir.

Q. Have you given any property to your wife? A. No, sir.

Q. Does she hold any in her own name? A. No, sir.

Q. When did you first buy? A. About 20 years ago.

Q. About 20 years ago? A. Yes, sir.

Q. And then you had been 10 years captain? A. Thirty years.

Q. If you bought the house 20 years ago, you were captain 10 years at that time? A. Yes, sir.

Mr Goff.—Captain, for the present we will excuse you. We have got some other witnesses to call here, and we have to get through in a hurry. You can go, captain.

Chairman Lexow.—Shall the captain attend to-morrow?

Mr. Goff.—No, sir; we will send for him if we want him.

Charles Lighte, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. After you got through testifying to-day, you met Mr. Brodsky on the street; didn't you? A. Yes, sir.

Q. You and Mr. Weller and Mr. Wallach? A. Yes, sir.

Q. Anyone else? A. I think it was Morris Harron.

Q. Did you go up to his office? A. No, sir.

Q. How did you come to meet him? A. He seen me on this side and he called over to me.

Q. He called you over? A. Yes, sir.

Q. Was he waiting for you? A. I don't know that he was.

Q. Speak louder? A. I don't know.

Q. Did he know you were going to testify to-day? A. I don't know whether he did or not.

Q. Wasn't he informed that you and your other dealers or manufacturers had been subpoenaed? A. Not that I know of.

Q. Mr. Brodsky spoke to you about what you had testified; didn't he? A. Why, he said something about it; yes, sir.

Q. What did he say? A. He had the paper in his hand, and showed where I testified.

Q. He had a paper in his hand and showed you where you had testified? A. Yes, sir.

Q. Do you mean an evening paper? A. I think it was this forenoon; I asked him what paper that was, and he said, that was to-day's paper.

Q. And to-day you had testified? A. Yes, sir.

Q. You did not testify yesterday? A. I was on the stand then.

Q. What time did this conversation take place? A. Right after court.

Q. You only testified yesterday about the books? A. Yes, sir.

Q. Was that what he called your attention to? A. I did not look at the paper, but he said he had the paper of to-day what I testified to.

Q. That is, your testimony to-day; what time did that conversation take place? A. Right after court and after I went down stairs.

Q. About half-past 1? A. I think it was; yes, sir.

Q. Tell us just what he said to you? A. That is all he said.

Q. Didn't Mr. Brodsky say to you, I told you to swear so and so? A. No, sir.

Q. Stating some matters? A. No.

Q. Didn't you say to Mr. Brodsky, I did not swear anything else? A. I think not.

Q. Or words to that effect? A. No, sir.

By Chairman Lexow:

Q. You must know whether it was so or not; you can not say "I think not;" it is impossible; that is just as near perjury as can be; you must know, or not know what you said a few minutes ago; testify like a man; did you say it so and so, or if you did not say it so? A. No, sir.

By Mr. Goff:

Q. He spoke to you about your testimony? A. Well, he said he had the paper I testified in.

Q. What did he say? A. That is all he said; I asked him if this was the paper from what I testified to, and he said yes; that is all he said.

Q. It was noted that you were so quiet in the witness-chair and you were so lively in talking with Mr. Brodsky; it has been

stated you had an animated conversation with him and that the question of your testimony was discussed? A. No.

Q. Now, tell us what the conversation was? A. That is all.

Q. You refuse to tell any more? A. That is all; that is all that was said.

Q. How long did you talk? A. About one minute.

Q. What was it that you had agreed to testify? A. That was all that was said.

Q. What was it that you agreed to testify? A. I did not agree to anything.

Q. What was it you had been instructed to testify? A. Nothing; I had not been instructed.

Q. What was it that Mr. Brodsky said you had been instructed to testify about? A. He didn't say anything.

Q. What was it you said you had not testified about anything else? A. I did not state anything about testifying to anything.

Mr. Goff.—Step down for a minute.

(Mr. Brodsky was called but did not respond.)

Chairman Lexow.—He was here a moment ago. I saw him sitting at the other end of the room.

Catharine Camitch, called as a witness on behalf of the State, sworn and examined through an interpreter, testified as follows:

(Charles Coleman was sworn as an interpreter of the Slav language.)

Examination by Mr. Moss:

Q. You had \$85 a little while ago, didn't you? A. Yes.

Q. And you took that money to a banker, didn't you? A. Yes.

Q. Who was the banker? A. Dudinsky.

Q. Where was his place? A. Corner of Attorney street and Stanton, in the basement.

Q. Did the banker run away? A. No; he is under \$500 bail now.

Q. Under \$500 bail for taking her money, isn't it? A. Yes, sir.

Q. After this man had taken and refused to give you your money did some one come to you to get some more money from you to prosecute him? A. Yes, sir.

Q. Who was it? A. It was Newman; he was in Attorney street, a barkeeper.

Q. What was his name? A. Newman; he went away.

Q. What did he say to you? A. He says to me if I gave him \$20 he would represent me, and he gave \$10 to the detective.

Q. Detective of what name? A. Brennan.

Q. She was to give this man \$20 and he was to give \$10 to Detective Brennan to catch the banker? A. Yes, sir.

Q. Did she give the money? A. Yes; I gave the \$20 to Newman.

Q. Did the detective catch the banker? A. Yes.

Q. And he was arraigned in the Essex Market Court? A. Yes, the next day morning.

Q. How long ago was that? A. About three months ago.

Q. Do you know what judge was on the bench? A. He was a big fat man.

Q. How many times has that case been adjourned; how many times have you been compelled to go to court? A. About six times.

Q. About six times that case has been adjourned during three months; were you there this morning? A. Yes, sir.

Q. Was it adjourned again? A. Yes, sir.

Q. When is it adjourned to; what is the next day? A. Next month the 16th.

Q. The 16th of next month? A. Yes.

Q. Upon what excuse; who asked for the adjournment? A. The Lawyer Weltner.

Q. That is the attorney for the defendant? A. Yes, sir.

Q. What did he say was the reason? A. He said, "The banker is sick, and is not there."

Q. Do you know whether he is sick or not? A. No; he is all right; he is not sick.

By Chairman Lexow: 1

Q. Ask whether a physician's certificate was produced, or an affidavit? A. He was there to-day.

Q. Was there any doctor's certificate brought there to-day? A. No; he was not there.

Q. Was there any doctor's certificate taken there to-day? A. No.

Q. Who was the judge? A. There was Judge Simms, to-day.

By Mr. Moss:

Q. So, in this matter, where \$85 was stolen from you, you had been three months until to-day trying to get justice; your case has been adjourned six times? A. I have not got any money.

By Senator Bradley:

Q. And Detective Brennan has got \$10?

By Mr. Moss:

Q. Mr. Newman took \$20 for the purpose of giving \$10 to the detective who arrested the man; that is a pretty close —

By Senator Bradley:

Q. Ask her, if she knows where Newman went to? A. I can not tell you.

Q. Did Mr. Brennan tell you whether or not he got the money? A. Yes; he says may be he get the money back; Mr. Brennan got the bank-book.

Q. But the \$10 Brennan got? A. No; nothing said about that.

Mr. Moss.—I think that is all of this witness: Rodsky has not come in, has he? Is Mr. Elliott here? (No answer.) Where is Mr. Rawls? Come up here, Mr. Rawls, we are waiting.

John Rawls, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Where do you live? A. Twenty-six Minetta lane.

Q. You were beaten by a policeman in the police court, wasn't you? A. Yes, sir; I was.

Q. Will you tell us about it? A. Yes, sir.

Q. Go ahead. A. I came down out of my house Sunday morning, about 1 o'clock.

Q. That is last Sunday morning? A. Yes, sir; to go into a saloon just next door; I stood knocking at the door, and a man came up and spoke to me, and said, "Why don't you go in?" I said, "I can't get in;" and he said, "Yes; you can;" and I said, "If you can get in, that is more than I can do;" an officer came from Sixth avenue and said, "Get out of here," and he jabbed me in the ribs with a club, and I got in my room, and he

followed me up, and pulled me downstairs, and liked to do me up, and he took me out the next morning and got me to Eighth street and grabbed me by the back of the neck, and said, "Go on;" and I said, "I am going as fast as I can;" and he up with his knee (illustrating) and kept shoving me; and we got in the market entrance in the police court, and going in, he pushed me in and kicked me into the cell, and afterwards I was called out before Judge Voorhis, and he made his complaint, and he said I assaulted a citizen; I spoke to the judge, and told him how it was, and the court fined me \$5, and I started to go with him, and he grabbed me by the back of the neck and kicked me here.

Q. Where were you then? A. Leaving the desk of the court, starting from there and going in the corridor; I runs back and asked the judge if I should be treated that way; and he grabs me and started me into the cell, and kept kicking me, and nobody would speak, and Mr. Hicks, a reporter of The World seen which way I came out; and after I got discharged, paid my fine, I came up to see the judge and stood there until after 12 o'clock, and he told me to come Monday, and I went Monday morning and it was adjourned until Monday afternoon; I wanted to make a charge before the judge; and Monday afternoon I went there, and he called me up, and the reporter was there and spoke —

Q. That is, Mr. Hicks? A. Yes; he told the judge how it was, and he seen me and followed me; and the officers there said it was not so.

Q. The officers stood together? A. Yes, sir; and I saw there wasn't much satisfaction; and he said, "If you wish to make a complaint," and the officer said, "You better go before the commissioners and make the complaint, that is the best place to make it;" and I said, "I will see a lawyer and see what he says;" and that night I was subpoenaed and have not done anything since.

By Chairman Lexow:

Q. You mean to say this assault on you was committed in view of Judge Voorhis? A. I don't say exactly in his view, but leaving the front of his desk, going into the cell after he committed me for five days.

Q. In the same room? A. It is outside of the cove leading from the desk.

By Mr. Moss:

Q. It was in the corridor? A. Yes; it was so crowded, perhaps the judge could not see it.

Q. Was that the same officer that arrested you? A. Yes.

Q. What is his name? A. I think it is Cronin.

Q. Of the Fifteenth precinct? A. Yes, sir.

Q. Is Cronin here?

Mr. Moss.—He has been under subpoena here.

By Chairman Lexow:

Q. Were you in sight so that the judge could see it if he used his eyes? A. No, sir; I think not; because the reason is, the desk is like this, and I had to go through the door just like that.

By Senator Bradley:

Q. You said 1 o'clock; was it Sunday afternoon? A. Sunday morning, after leaving; 1 o'clock Sunday morning, before daylight.

Q. How many times had you been in that saloon that night? A. I guess three or four times during the evening.

Q. What did you have to drink that evening? A. Beer.

Q. You did not mix it, did you? A. No, sir.

Q. You are sure you were sober at the time? A. Yes, sir; I was sober.

By Mr. Moss:

Q. You were sober in court, wasn't you? A. I was that.

Q. Any question about that? A. Yes; beat enough to be sober.

Q. You had been locked up long enough to get over what you had drank? A. Yes, sir.

By Senator Bradley:

Q. Did you never see that officer before? A. No, sir.

Q. Or any other officer in that precinct? A. No, sir.

Q. You never said anything about these officers? A. No, sir; had no cause for it.

Q. So he had no reason for assaulting you? A. No, sir; he did not.

By Senator Bradley:

Q. You had better keep better hours, young man; if you were in bed at 11 o'clock at night you would not get into that difficulty? A. No, sir; we can not all be good.

Mr. Moss.—That will do, Mr. Rawls. Mr. Valentine.

W. D. Valentine, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Where do you live? A. I resided in New York since last April — since last March.

Q. There seems to be something wrong with the New York atmosphere or the New York court-room that you can not speak louder.

By Senator Bradley:

Q. Whereabouts in New York do you live? A. I think it is 631 Broadway.

By Mr. Moss:

Q. Now, may I ask the particular place in New York where you live? A. I think it is 631 Broadway, or 661 Broadway, at the New York Hotel.

Q. The New York Hotel; now we have got something definite; you have a partner, haven't you? A. I have a gentleman that is interested in business with me.

Q. Is he a partner? A. He is interested in the same business I am in.

Q. What is his name? A. W. S. Fender.

Q. Is there a man of the name of Stearns in partnership with you? A. No, sir.

Q. Is there a man of the name of Stearns connected with you in any way? A. Not in New York.

Q. Whereabouts is he connected with you? A. He is connected with me in farming in the south.

Q. In farming? A. Yes, sir.

Q. In the south? A. In the south.

Q. Is he connected with you in the business you are now operating? A. No, sir.

Mr. Moss.—Where is the acting captain of the First precinct? Will you come here captain and sit at the table?

Q. Where are you engaged in business now? A. Thirty-eight New street.

Q. You were engaged in business in the city at another place, weren't you? A. We have an office at 39 West Thirty-eight street also.

Q. What was that street? A. We have an office at 39 West Twenty-eighth street.

Q. You have not been doing any business at this office for some time, have you? A. No, sir; I think we closed it the fore part of August.

Q. Why did you close it? A. For the lack of business.

Q. That was in Captain Schmittberger's precinct? A. I don't know.

Q. Did you ever see Captain Schmittberger? A. I never did.

Q. Did you ever hear of him? A. I heard of him in the newspapers.

Q. Did you ever see a police officer in that precinct? A. Only as I passed him on the street.

Q. Didn't you meet him in your place of business? A. Not to my knowledge.

Q. You went under the firm name of Stearns & Co., didn't you? A. Yes, sir.

Q. You are under that name now? A. No, sir; it is the Stearns Commission Company.

Q. That is a farming company, isn't it? A. It is not; no, sir.

Q. Mr. Stearns is engaged in the farming business with you? A. That is what I said; yes, sir.

Q. In what farming connection is this business run? A. None whatever.

Q. Does Mr. Stearns raise guys down south and send them up to your business here, on his farm? A. I don't know what your remark refers to, sir.

Q. You don't; you never have heard of guys? A. I have heard of guys; but not in connection with my business.

Q. Is Mr. Stearns' farming business for the purpose of sending guys to you? A. He is engaged in a legitimate calling in the south.

Q. You are interested in this concern, in that business of general farming and raising vegetables? A. General farming.

Q. Has Mr. Stearns been at your place of business in New York? A. He has not, sir.

Q. I ask you again if you ever saw a policeman in your business place uptown? A. No, sir; I never did.

Q. Did any police officer ever investigate your place? A. I think there have; I am not sure.

Q. What makes you say you think? A. Because, I think at the time we opened there was an article in one of the newspapers, The World, speaking of our particular business, and drawing the attention—said they would draw the attention of the police to our business.

Q. The World said they would call the attention of the police to your business? A. Yes, sir.

Q. That is no reason why you should say they investigated it? A. They have never investigated it to my personal knowledge.

Q. Has any police official asked you or Mr. Fender to explain your business to him? A. No, sir; never asked me.

Q. How many people have patronized your place up town, averaging? A. Some days two customers, and again, six or eight, and possibly as high as 10 at a time.

Q. And did you sell them? A. We delivered any stock, and grants and preferences.

Q. Did you deliver the goods to them? A. We had the goods to deliver, and probably delivered them.

Q. Where were the goods? A. The stocks are kept in our safe.

Q. And where were the goods? A. You mean such as wheat?

Q. Yes? A. Well, wheat is always kept in elevators, subject to delivery.

Q. Where are the elevators? A. We are dealing on the Chicago market.

Q. Where are the elevators? A. They are in Chicago.

Q. You know you had wheat in Chicago in elevators? A. I know when we bought wheat for delivery in Chicago that it would be there at the time we were ready to deliver it.

Q. After you left or gave up business uptown because there was no business, why did you keep your office? A. Because we had it leased until the 1st of May.

Q. Is it occupied now? A. It is not.

Q. You have just got an empty office there? A. It is an empty office.

Q. It is on your hands because the lease is running? A. Yes, sir.

Q. Is this your business title, "Stearns' Commission Company" upon that (indicating paper)? A. That is the title.

Q. What is that memorandum? A. That is a memorandum of selling 500 shares of Alton mining stock at 527 1-8.

Q. And the Stearns, who is named, of course in this, is the farmer down south? A. Not exactly; we used Mr. Stearns' name.

Q. Who is it then? A. We have used Mr. Stearns' name.

Q. Have you asked Mr. Stearns' permission to use his name? A. Yes.

Q. You have? A. Yes.

Q. Did he give it to you? A. Yes.

Q. Have you anything to show for that? A. Only verbal; that is all!

Q. When was it given to you? A. Last February, I think.

Q. Where was it given to you? A. When I was in the south.

Q. You saw him down south? A. Yes, sir.

Q. And then he told you to use that name? A. I believe so.

Q. You have used it before, haven't you? A. No.

Q. You have been operating in the west some? A. Yes, sir.

Q. Didn't you use that name then? A. No.

Q. What name did you use in Chicago? A. I used The Wellers' Commission Company.

Q. You were ordered out of Chicago? A. No, sir.

Q. Your place was closed up? A. No, sir.

Q. You were not allowed to do business? A. You are mistaken.

Q. Didn't you leave Chicago under a cloud? A. No, sir.

Q. Didn't you come to New York as a place of refuge? A. No, sir; I never left any place under a cloud.

Q. Where are you doing business now? A. Thirty-eight New street.

Q. What place is that? A. In the Edison Building.

Q. You have a very large office there, haven't you? A. Not very large; it is a fair-sized office.

Q. How large an office have you? A. About 25 x 50 I should think.

Q. With a blackboard in it? A. Yes, sir.

Q. And some listed announcements on the blackboard? A. Yes; you quote the price of stocks there.

Q. Have you a genuine ticker in the place? A. We have; yes; certainly.

Q. And genuine announcements come in on that ticker, don't they? A. Yes, sir.

Q. You have other apparatus that are not tickers? A. We have no other apparatus.

Q. Haven't an apparatus that feeds a tape? A. We have a marked letter.

Q. A marked letter that comes out of an apparatus? A. No, sir.

Q. How do you get the tape; how do you hold the tape? A. The letter is written on a tape.

Q. And that tape is put into a box of some kind, isn't it? A. A sort of holder, that is all; just a holder for a tape.

Q. And this tape is drawn out from time to time; is it not? A. Well, there is one price announced at a time; one offer is made at a time.

Q. That tape does not come out of a ticker, does it? A. No, sir; it is a letter.

Q. A letter prepared beforehand? A. Yes.

Q. Put into the holder? A. Yes.

Q. It has quotations on it? A. Yes.

Q. And you draw the tape out of the holder? A. It has prices at which I am willing to buy or sell stocks at.

Q. Do you know beforehand what is in the holder? A. What the prices are?

Q. Yes? A. I make that letter myself.

Q. Did your customers know what prices are on the letter? A. No, sir.

Q. That letter is not connected with the ticker, is it? A. No, sir.

Q. And you have a great crowd about you there, running from 50 to 200 men at a time; haven't you? A. No; you will find about 25 or 30.

Q. It runs as high as 50, doesn't it? A. I don't think I ever saw 50 in the place at a time.

Q. Your vision is not as good as other people's?

By Chairman Lexow:

Q. What is the name of your concern in 38 New street? A. The Stearns Commission Company.

Q. You mean to say that is an incorporated company? A. Yes; incorporated.

Q. With trustees? A. With directors.

Q. Under the laws of the State of New York? A. Yes, sir.

Q. To buy and sell stocks? A. To buy and sell stocks.

Q. And is this Stearns one of the managers? A. He is not; no, sir; that is the name of the corporation; just as you might call it The New York Commission Company, or any other.

By Senator Bradley:

Q. Did you file articles with the Secretary of State? A. We did; yes, sir.

Q. Who is the president? A. I am.

Q. Who is the secretary? A. Mr. Fender.

Q. And what other trustee have you? A. There is a Mr. Townsend.

Q. Who is Mr. Townsend; what is his whole name? A. J. H. Townsend.

Q. Where does he keep? A. He lives in St. Louis.

Q. In St. Louis? A. Yes, sir.

Q. Are there any other directors? A. I think that is all.

Q. Does your company operate in St. Louis? A. Not this particular company.

Q. But a company similar to yours? A. Yes, sir.

Q. Is it operating now? A. Yes, sir; doing business identically as we are doing here, and has been doing business there for two years similarly.

Q. What is the name of the man that has lost \$500 by this "letter," as you call it, during the last month? A. I never knew of a man losing that much money buying and selling stock there.

Q. What is the name of the man that lost \$700 last month on that letter of yours? A. I don't know; some may make

money, and some lose money; we make our money off of our commissions.

Senator O'Connor.—What is this, a bucket-shop?

Mr. Moss.—No; worse than that; a bucket-shop deals in stock.

By Mr. Moss:

Q. This letter is put by you in the morning in the holder, is it not? A. That is right.

Q. And you alone know what is on the letter? A. Yes, sir.

Q. Your customers do not know? A. No, sir.

Q. It purports to be a letter of how stocks are selling, don't it? A. No, sir; it is a letter to buy or sell certain stocks at certain prices.

Q. What do you write it out for? A. I own these stocks and stand ready to pay that price or will buy at that price for the stock.

Q. You own the stock? A. Yes, sir.

Q. What stocks are they? A. Different mining stock.

Q. What are they? A. I brought you down a few of them here.

Q. How many stocks have you? A. I guess we quote in the letter there 20 different stocks.

Q. Do you own those mines? A. No.

Q. Do the companies own the mines? A. We own some of the stock.

Q. Do you own the principal part of the stock? A. In some instances.

Q. Where are the mines? A. I don't know, I am sure, just where the mines are located.

Q. You don't know where they are? (No answer.)

By Senator Bradley:

Q. Perhaps they are in his mind? A. They are not in my mind.

By Mr. Moss:

Q. Now where are the mines? (No answer.)

Chairman Lexow.—That is simply a device for gambling. You need not go any further than that; it is simply a device to gamble.

Mr. Moss.—I want to show how deep a device it is.

Mr. Goff.—It is worse than the roulette table. There is absolutely no chance. The dealer knows everything on the slip.

the witness.— It is a bona fide order.

By Mr. Moss:

Q. You, as president of the company, direct to sell these stocks mentioned in this ticker? A. Yes.

Q. Or upon this tape? A. Yes, sir.

Q. When was this particular tape prepared?

Q. What for? A. What for?

Q. Yes; when was it to be used? A. It was day.

By Chairman Lexow:

Q. Why are you so careful about exceptions; (no answer); when you know the beforehand; what? A. One is apt to make an error.

Q. Is that for the purpose of hoodwinking the listener to that letter? A. No, sir.

Q. Making them believe some bona fide order? No, sir; not for any such purpose.

By Mr. Moss:

Q. You prepared this; did you not, Mr. Valen-
sir.

Q. And did you put this in the holder this morning?

Q. This is the very piece of tape that has been to-day, isn't it? A. Yes, sir; I brought it to you.

Q. And under the subpoena you took this out

Q. It is not a ticker? A. No, sir.

Q. There is no ticker anywhere near it? A. Yes, sir; but unconnected with it.

Q. You have a ticker there for appearance, don't you? A. No, sir.

Q. You have a little ticker going on in the same part of the office with some stock quotations? A. We have no appearance there.

Q. You did have some bona fide quotations? A. We quoted the sales of stock there.

Q. Yes; just a quotation; so that people can come in and read; but the real business is done around this letter? A. No, sir; we do business in both.

Q. But the greater part of the business is done around this? A. Yes.

Q. How many genuine stocks did you sell yesterday? A. Genuine.

Q. Genuine stocks; yes; were they genuine stock? A. All we sell is genuine.

Q. What? A. All we sell is genuine.

Q. How many? A. I could not say.

Q. Will it be 10 shares? A. More than that I am sure.

Q. Twenty? A. I think possibly 100 shares, or 200 shares.

Q. Will you swear you sold 200 bona fide shares from the regular stock quotations yesterday? A. I would not swear without first looking at the sheets to see.

Q. Will you swear you sold 100 shares of stock? A. I would not swear positively to any amount; we have handled as high as 400 or 500 shares.

Q. You have handled as high as 400 or 500 shares in a single day from the genuine quotations? A. Yes, sir.

Q. But you did not do that yesterday; did you? A. No, sir; I don't think we handled 400 shares yesterday.

Q. And you have a big public office, 25 x 50 feet? A. Yes.

Q. And you do not exceed 400 shares of stock from the black-board? A. We buy and sell.

Q. The crowd is gathered around this tape, isn't it, mostly? A. No, sir; they are distributed through the room.

Q. Who pulls the tape out of the holder? A. We have a clerk that pulls it out and calls it off; the company pays him.

Q. What is his name? A. I don't know his name; I know his first name; I think it is Harry.

Q. You call it a responsible position? A. It is only the same as any clerk.

Q. He might read off these quotations wrong, might he not? A. No; I think they are plain enough.

Q. He might read them off wrong; might pretend to read them, and read something else? A. No, sir; he could not very well.

Q. You stand around there and watch him? A. There are others around, a few.

By Senator Bradley:

Q. How long has Harry worked for you? A. I think since last April.

Q. Have you seen him sign any receipts in that office at all as a clerk? A. We have had him in different capacities.

Q. Did you ever see him sign any receipts, make out any bills for this stock you have been selling and buying; did Harry ever make out any of these, and sign them? A. I don't think he has.

Senator Bradley.—Then he is not a clerk. He must be an office boy.

By Mr. Moss:

Q. How much did you pay him; how much does the company pay him?

Senator Bradley.—That is absurd; he don't know his name.

The Witness.—That is true; I am swearing under oath.

By Mr. Moss:

Q. How much does the company pay him? A. Nine dollars; a week.

Q. Did you hand it to him? A. I had paid him at times, not always.

Q. Who else pays him? A. The cashier sometimes pays him.

Q. Who is the cashier? A. Mr. Currier.

Q. Where does he live? A. In New York.

Q. Whereabouts in New York? A. I don't know.

Q. Give his whole name? A. His first name is Charles; I don't know his whole name.

By Senator Bradley:

Q. Didn't you say his name is Currier? A. Yes, sir.

Q. You say he is Charles and Currier? A. I suppose he has a middle name.

By Mr. Moss:

Q. What part of the city does he live in? A. I think it is somewhere in the neighborhood of Twenty-second, Twenty-third or Twenty-fourth streets, or somewheres along there.

Q. You are sure he does not live in Brooklyn? A. I am quite sure.

Q. Quite sure, but not sure? A. I used to know he lived in New York; I have not heard of his changing his address.

Q. How long have you known him? A. I have known him since the latter part of March, I think.

Q. Had he been engaged with you ever since that time? A. Yes, sir.

Q. How much did you pay him? A. Twenty dollars a week.

By Senator O'Connor:

Q. You claim this a crooked business carried on with the protection of the police down there.

Mr. Moss.—Surely; and openly.

Chairman Lexow.—I am in the dark as to the principal office this tape performs. We have not got that out yet. What is the effect of that on the people there, on the tape?

Mr. Moss.—We will come to that. I want to come to the cashier if I can.

Q. You say you pay that man \$20 a week; do you pay it yourself? A. I have paid it at times.

Q. How many other employees have you? A. I think we have eight or nine altogether.

Q. Now, look here Mr. Stearns, or Mr. Valentine was not Mr. Schmittberger or his wardman in your place up town last June; be careful and think? A. Not to my knowledge; not while I was there.

Q. Have you any knowledge on the subject? A. None; no, sir.

Q. Have you any information on the subject? A. None to give; no, sir.

Q. None to give? A. I have no information on the subject.

Q. Ever heard of it? A. Never heard of it.

Q. Wasn't it Captain Schmittberger or his wardman that told you you would have to discontinue your office for a while?

A. No, sir; no one has ever told me I would have to discontinue my place.

Q. I asked you how many employes you have down town? A. I said 9 or 10.

Q. What is your weekly pay-roll? A. I think it is in the neighborhood—I am not positive just how much—probably \$150 or \$200.

Q. Don't you know whether it is \$150 or \$200? A. I could not state without looking at the books; I don't keep the books.

Q. Who handles the books? A. Mr. Fender.

Q. I find on the tape the forty line 4 5-8; what does that mean? A. Read it again, please.

Q. "V 49 4 5-8," or "V 494 5-8?" A. That means I will buy that stock 4 5-8 cents a share, the Venice Mining Stock.

Q. What is that stock? A. It is a stock represented by a mining corporation.

Q. Is it one of these things here? A. Yes, sir.

Q. Will you find it (showing witness a number of certificates)? Senator O'Connor.—Are any of these listed stocks?

Chairman Lexow.—They are listed on that tape.

By Senator O'Connor:

Q. Are they listed in the regular stock market? A. We deal in stocks there.

Q. I mean these stocks that you give on the tape, are they listed on the stock market of the city? A. I think they are.

By Mr. Moss:

Q. Do you know? A. I am not positive; there are hundreds of mining stock not listed.

By Senator O'Connor:

Q. Are any of the stocks on this ticker that you make your customers believe they are buying genuine sales, whether in the form of stocks, which you pretend to deal in, listed in the Stock Exchange?

By Mr. Moss:

Q. Is that it? A. There is the share.

By Senator O'Connor:

Q. Do you know whether they are or not? A. I don't know whether they are or not.

By Senator Bradley:

Q. Do you mean to say you keep a Stock Exchange, and you don't read the quotations every day? A. I did not say that.

By Mr. Moss:

Q. Now, here is a certificate, apparently for 1,000 shares of the capital stock of the Venice Mining and Prospecting Company, of the par value of \$80 each.

Senator O'Connor.— Where was it incorporated?

Mr. Goff.— Illinois. That is, we can not say it is incorporated, but that is what it says, "Incorporated under the laws of the State of Illinois."

By Mr. Moss:

Q. Capital stock \$40,000; this is 1,000 shares, or \$8,000; that is one-fifth of the capital stock on one certificate? A. Yes.

Q. Who owns the other four-fifths? A. That I don't know, sir.

Q. You don't know anything about it, do you? A. I am not an officer of the company, so I could not tell you, and give you that information.

Q. How much did you pay for this? A. That I could not state positively.

Q. Did you pay a hundred dollars for it? A. I said I could not state, positively.

Q. Did you pay as much as a hundred dollars for it?

Senator O'Connor.— He probably paid what it cost to print it.

A. I did not print this.

By Mr. Moss:

Q. Did you pay as much as a hundred dollars for it? A. That I could not say.

Q. You don't know whether you did or not? A. No.

Q. Did you pay as much as a hundred dollars for this? A. I can not answer that.

Q. Did you pay anything for this? A. Yes, sir.

Q. How much? A. That I don't remember.

Q. Did you pay as much as \$50 for it? A. I could not say whether I paid \$50 or \$500.

Q. Did you pay as much as \$500? A. I say I could not say how much I did pay for it.

By Chairman Lexow:

Q. When did you pay it? A. I think the stock came in my possession last December.

Q. When did you buy it? A. I think last December.

By Mr. Moss:

Q. Who did you buy it from? A. From a gentleman in St. Louis.

Q. What is his name? A. His name is — his name is — Mr. Goff. — Now, don't invent.

A. I am not inventing, sir.

Q. You are delaying your answer? A. Did you ever buy anything and could not remember the name of the man that you bought from? '

Q. You answer the question, and raise your voice; it does not look well? A. I want you to hear every word I say.

Q. That is two minutes in trying to think of his name? A. I will think of it directly — James Ullman.

Q. Isn't he connected with the company? A. He is not.

Q. Connected with the Wells Company, isn't he? A. No, sir.

Q. Where was Mr. Ullman when you bought this? A. He was in St. Louis.

Q. Whereabouts in St. Louis? A. Where?

Q. Yes; at what particular place? A. I have forgotten just which particular place.

Q. That is quite a transaction? A. Yes, sir.

Q. Eight thousand dollars worth of stock? A. Yes; that is the par value.

By Senator O'Connor:

Q. Right here, did your company keep books of what they bought and sold? A. We do not keep any individual account

Q. Do you keep a company account? A. A company account?

Q. Yes? A. The Stearns Commission Company?

Q. Yes? A. Yes.

Q. Are these bonds you have here owned by the company?

A. They are not; no, sir.

Q. Is there any record kept anywhere so you can get them?

A. No, sir.

By Mr. Moss:

Q. What is Mr. Ullman's first name? A. I don't remember, sir.

Q. How long did you know Mr. Ullman? A. Not very long.

Q. Wasn't it Joe Ullman, the bookmaker on the turf? A. No, sir.

Q. Are you sure of that? A. Yes, sir; I know that.

Q. What? A. No, sir; it was not him; I know him.

Q. You know Joe Ullman, the bookmaker? A. Yes, sir; I have met him once or twice.

Q. Wasn't it his brother? A. No, sir; I don't think so.

Q. Wasn't it some relation of his? A. I don't think so.

Chairman Lexow.—Won't you get out what they did with that? We have not got on the record at all what the result of that case is.

Mr. Moss.—Yes, sir. The stock is so interesting as it opens up.

Q. "Venice, 494 5-8;" the next is "L. 393 1-4," what does that mean? A. It stands for the Lockhaven Mining Company.

Q. That is stock of the same character I have mentioned? A. It is mining stock.

Q. Did you buy that of Ullman? A. That I don't recollect.

Q. Was all this bought at the same time? A. No, sir.

Q. Then comes "M. 34 3-4?" A. That stands for the Madison mining stock.

Q. This tape is in the receptacle and is turned by your clerk? A. Yes, sir.

Q. And these various quotations are read? A. One price is announced at a time.

Q. Somebody bets upon Venice 494 7-8, doesn't he? A. No, sir.

Q. Someone bets upon that and bets the next quotation will be higher, doesn't he? A. No, sir.

Q. Or that the next quotation will be lower? A. No, sir; he does not.

Q. What does he do? A. If he wishes to buy stock at that price I will sell it to him, and if he wishes to sell it I am willing to buy, or sell at that price.

Q. Here is Venice, 494 7-S, and after awhile, after some more of these stocks are mentioned, we get Venice again.

By Chairman Lexow:

Q. You know you are buying from him something he can not deliver, don't you? A. He can deliver it.

Q. How can he deliver it? A. He can get the stock.

Q. Where? A. Well, he can get it from me if not from anybody else.

Q. Can he get it from anybody else? A. I presume so.

Q. Don't you know he can not? A. No, sir; I don't know he can not.

By Senator O'Connor:

Q. Can you give us any idea where we can go and get some of this stock? A. If you looked around, perhaps you could find it.

By Chairman Lexow:

Q. Where; in this city? A. I can not tell you.

Q. In other words, after a man buys 100 shares of that stock you have that man in your absolute control? A. I have not.

Q. You can force him to deliver that stock, can't you, and he has got to buy from you in order to deliver it to you? A. He can buy it from me.

Q. Do you know where else he could buy it? A. No; I do not.

Q. How much of this stock have you sold; we will take the Venice; how much have you actually sold and transferred? A. Well, that I don't know; I could not answer that without—

Q. Have you sold and transferred any Venice stock? A. Yes, sir.

Q. Through whom? A. That I could not state either way.

Q. There is a certificate for \$8,000 worth that you say you bought last spring, and there is your original certificate; has that certificate ever been split up; do you mean to say that? A. That one?

Q. Yes? A. No; that is in the same condition.

Q. Do you own more of it? A. I think I have more of that stock.

Q. Do you know? A. I am not sure.

Q. How many different mining stocks did you control? A. I don't know as I control any.

Q. How many different shares have you; have you got all the issue of the Venice stock? A. No, sir; I have not.

Q. Will you swear you have not? A. Yes, sir.

Q. How much is there outside of what your holdings amount to? A. That I don't know.

Q. Will you swear anybody else holds it, except 100 shares of that stock? A. I will swear I haven't it all within a hundred shares.

By Senator O'Connor:

Q. Did you originally have it all or did you have it all except what you sold to other parties? A. No, sir; I did not originally have it all.

By Mr. Moss:

Q. Have you other certificates of Venice stock besides this one? A. I think I have; I am not sure.

Q. How many times have you split up your certificates to make deals? A. We have them generally in different amounts.

Q. Did you deliver any stock yesterday, say of this mining stock? A. Not to my knowledge.

Q. Or any the day before? A. That I do not know.

Q. Any this month? A. I could not state positively.

Q. Did you deliver to anybody from purchases upon this tape or similar dates any stock of this company? A. I could not say that positively.

Q. You can not state that positively? A. It is all done through my clerks when deliveries are made.

Q. You know all about it; you are president of the company? A. I am not there but a little of the time.

Q. You know the stock? A. Yes; if it is indorsed on the back it is transferrible.

Q. Are they all indorsed in blank? A. Yes, sir.

Q. You give these to the clerk to hand out? A. I give them to the cashier.

Q. That is the name for Harry, whose name you do not know?
A. No.

Q. Or the cashier, whose residence you do not know? A. Not exactly to the cashier; when I am not there, probably Mr. Fender is there.

Q. You don't know a single share of stock that has been delivered to a customer from this tape, or some tape this month, do you? A. I could not swear I do this month.

Q. Where do you go to make a transfer of the stock? A. Where do we go? the stock can be transferred from one person to another.

Q. Where is the office of the corporation? A. I think it is in East St. Louis.

Q. Have you sent any shares of stock on there for transfer? A. No, sir; it is not necessary; it could become the property of another person, and they would have to submit it to the office and have it transferred in their name.

Q. Do you say there is an office in East St. Louis? A. I presume so; it is incorporated in St. Louis.

Q. Do you mean to say you hold a controlling portion of that stock, and do not know where the office of the company is? A. I do not say I hold the controlling portion.

Q. You say you held a controlling portion of the stock? A. I did not admit that.

Q. Will you swear you did not? A. Yes; I will swear I did not.

Q. Within 200 shares? A. I don't know exactly how much, possibly.

Q. Don't you, practically, hold the whole of that stock, substantially the whole? A. I don't know just how many shares I have got of that stock.

Q. Don't you know that you hold substantially the whole of the stock of that company? A. No, sir; I don't know that.

Q. Are you willing to swear that you don't? A. I will swear that I don't know that I hold, substantially, the controlling interest of that stock.

Q. Do you know how many shares you do hold? A. I do not.

Q. Have you ever looked to see? A. No, sir.

Q. How much did you buy when you first bought? A. That I could not state; I do not remember.

Q. Did you buy all the holdings you have now, when you first bought? A. Yes, sir.

Q. So that since you first purchased, you have not bought another share of that stock? **A.** No, sir.

Q. You can not say how much you bought at the time? **A.** I can not.

By Senator O'Connor:

Q. You have never gone to the books of the company to have it transferred, so that you could exercise your right as a stockholder? **A.** It is held simply by a trustee.

By Chairman Lexow:

Q. Trustee for whom? **A.** For the company, I suppose.

Q. For the company? **A.** Yes.

Q. Do you mean to say this stock is held by you as trustee for that company? **A.** Not by me.

Q. Or by anybody else as trustee for the company issuing it? **A.** Made by the trustee, and the trustee indorsed it, makes it transferable.

Q. Do you mean to say that the stock that you hold is in the name of a trustee for the company? **A.** I supposed that is the way it was issued.

Q. Then, it is not valid stock, don't you know, on the face of it? **A.** Invalid?

Q. Don't you know that is not valid stock; a corporation can not issue stock to a trustee as trustee of the corporation? **A.** Not as trustee of the corporation; no.

By Senator O'Connor:

Q. Trustee of whom then; who is he trustee for? **A.** Why, it is issued to —

By Chairman Lexow:

Q. It is bogus; is it not? **A.** No, sir; it is not bogus.

By Mr. Goff:

Q. What is it; the Senator asked you what is the trust.

By Senator Bradley:

Q. Did you ever pay one single dollar for the certificate?

A. Yes, /

Q. To whom? A. To Mr. Ullman.

Q. To Mr. Ullman? A. Yes, sir.

Q. That is the man in St. Louis? A. Yes, sir.

Q. Is he a live man? A. He is.

By Mr. Moss:

Q. Who is the trustee? (No answer.)

By Chairman Lexow:

Q. As I understand the witness testified he would not swear he paid more than \$50? A. That is true; it might be between \$50 and \$500, on a guessing match.

Q. How much stock is that? A. Eight thousand dollars worth at par.

Q. What is the par of it? A. Eighty dollars a share and there was \$8,000 in shares of the certificate.

Q. The fact is this stock shows the first quotation to be worth \$4,000, \$4.95 a share and that is 1,000 shares in other words \$4,950.

By Mr. Moss:

Q. That Venice corporation is an Illinois corporation isn't it? A. I believe it says so.

Q. How is it its principal office is in St. Louis? A. Does it say St. Louis?

Q. Yes; that is what you said? A. I said I thought it was in East St. Louis.

Q. You said you thought it was; that is the way you get out of it; East St. Louis, is that in Illinois? A. That is in Illinois.

Q. Now I will take this whole page of stock of the various kinds; a thousand of Venice, a thousand of Alton, \$3,000, two shares at \$10 each of Legal Tender Mining Company; and a thousand shares of the Madison Mining and Prospecting Company, par value, \$70; 500 shares of the Edwardsville Mining and Prospecting Company, \$60 each; and 100 shares of the I. X. L. Mining Company of Illinois, of \$100 each.

Q. What does I. X. L. mean? A. I suppose that is the title of the company.

Q. And 2,000 shares of the Lockhaven Company; it does not say what, of the par value of \$90? A. I don't know.

Q. And 500 shares of the Carbonate Mining and Milling Company par value \$10 each; and 500 shares of the Pedro Consolidated Mining Company; I do not think this has any par value — Oh, yes, \$10 each share; are these all the assets of your company? A. No, sir; those are my individual property.

Q. Those are your individual property? A. Yes.

Q. Are those corporations all in existence? A. I suppose they are.

Q. You suppose they are? A. Yes, sir.

Q. Did you get any dividends on them? A. No; I have not received any dividends on them.

Q. Never received any dividend? A. No, sir.

By Senator Bradley:

Q. Have you got these for sale? A. Yes, sir.

Q. You offered them for sale and suppose the company is in existence? A. Yes.

Q. You would sell these to-morrow if you got a buyer and you don't know whether the company is in existence? A. I would also buy more to-morrow, and would sell it.

By Mr. Moss:

Q. You are simply buying and selling bad paper aren't you? A. I am not; no, sir.

Q. And it is of no consequence whether these things are worth anything or not; isn't that so? A. I will bid on a certain price for them.

Q. It is of no consequence whether they represent value or not? A. They represent value; certainly they do.

Q. You say you buy and sell whether the companies exist or not? A. I did not say that.

Q. You said it was of no importance? A. I did not say it was of no importance.

Q. Do you know whether any of these companies have gone into bankruptcy? A. I don't know that they have.

Q. Do you know whether they have or not? A. I say I can not swear that they have not.

Chairman Lexow.—I assume a man has a right to buy and sell the stock of corporations that have gone into bankruptcy, that would not be a fraud; but the question is whether this whole thing is not bogus.

Q. I will ask you whether you paid as much as \$500 for all this stock I hold in my hand? A. I could not swear how much I did pay for them.

Q. Could you swear you paid as much as \$500? A. I could not swear.

Chairman Lexow.—Mr. Moss, is that the stock spoken of in that letter that you are referring to?

The Witness.—Yes.

By Mr. Moss:

Q. That is the stock? A. Yes, sir.

Q. Those are the assets you offer on the tape? A. A portion of it; yes; not all of it.

Q. And this is the tape you have been doing business with to-day? A. Yes, sir.

Q. And people have done business on this tape to-day? A. Yes, sir.

By Chairman Lexow:

Q. From the prices you have marked on that tape, how much are those assets worth; what is the total value of those assets as shown by the quotations and figures contained on that tape? A. That I could not state.

Q. Are they worth \$500,000? A. (Witness laughs) I don't think so.

Q. Not quite as much as that? A. I could not state.

Q. Worth \$100,000? A. I don't know.

Q. If one of those certificates, according to your quotations, is \$4,950, what would the others average up altogether? A. I could not state, sir.

Q. Will you swear \$100,000? A. I said I could not state.

Q. Will you swear that the amount contained on that tape as the value of the stock you offer is not as much as \$1,000? A. I could not tell.

Q. You would not swear it is not? (No answer.)

Q. So that for stock that you say you can not remember whether you paid as much as \$500 for the whole lot, you won't swear you are not offering \$100,00 on that tape; is that a fact? A. I could not state how much that I am offering them without looking at it.

Senator Bradley.—Mr. Goff presented a certificate yesterday of a German on South street, and I think it is worth as much as these are — five certificates for a drink of lager.

The Witness.—Each one has their individual opinion about those things.

By Chairman Lexow:

Q. Yes; I understand that, witness; why don't you give your opinion: I asked you the question and put this squarely on the record? A. I answered; I said I could not state how much they would be paid.

Q. Don't you know; you have drawn up those figures; don't you know how much you fixed the price of your stock at? A. I am willing to sell them at that, or buy them at that.

Q. Don't you know how much your assets are worth on the list you yourself drew? A. I answered that a hundred shares of that stock at \$5 a share, it would be \$500, of course; or if I bought that and paid for it, I would have to pay \$500 for it.

Q. You have prepared that list, and don't you know what your assets, that you start business with in the morning, are worth, according to the prices you fixed on them in the list? A. I don't know what the stocks are worth.

Q. You don't care, do you? A. I never figured up.

Q. It is all fictitious? A. It is not fictitious; and it is a bona fide offer to buy or sell.

By Mr. Moss:

Q. What is the standard by which you make these quotations? A. In my head, sir.

Q. It is all a matter of invention, is it not? A. Not a matter of invention; I will state I will sell at such a price.

Q. You fix that price according to your own caprice? A. I will offer to sell to-morrow, or buy at a certain to-morrow.

Q. Don't you fix that at your own caprice? A. My own dictation.

By Chairman Lexow:

Q. Uninfluenced by any quotation of the same stock by anybody else anywhere else; is not that so? A. That is an individual order.

By Mr. Moss:

Q. Do you take any newspaper which shows the valuations of these stocks in the place where the companies exist; do you read any quotations? A. I can not say that I have.

Q. You make no effort to get any quotations of the real value of these stocks, as evidenced by sales elsewhere, do you? A. I do on some of them.

Q. On some, but not all? (No answer.)

By Chairman Lexow:

Q. Do you ever get any quotations upon that Venice stock anywhere else? A. No.

Q. Did you ever get any quotation on that Madison stock anywhere else? A. No, sir.

Q. Nowhere else? A. No, sir.

Q. Never made any other purchase or sale of that particular stock? A. Not that particular stock.

By Mr. Moss:

Q. How is it this occurs; I notice on that tape Venice will start at a certain figure, at 7-8, and then the next quotation is 6-8, and then another quotation it will be 5-8; then it runs up after that, and then drops 1-8; how do you fix that? A. I claim I have a right to do that.

Q. Now, Mr. Valentine, here is an immense roll, and that Venice stock appears on it a great many times, does it not? A. Yes.

Q. And it never appears at the same figures twice in succession? A. No, sir; I change the numbers.

Q. It is always moving up and down? A. Yes, sir.

Q. And as it chances to go up or go down, these people lose or make, don't they? A. They can buy or sell.

Q. You put it; they can buy or sell; but they lose or win, as they happen to guess which way each goes, up or down? A. The same as if they bought sugar or lead stock; I can buy and tell a broker to pay \$1.81, and another \$1.83, and another \$1.82.

Q. You, last night, or some other time, fixed up that little letter, and you made Venice go up the scale, and down the scale at your own sweet will, and you knew what was on that tape when you put it in the holder this morning? A. Whenever a man gives an order, he knows what it is.

Q. You knew it was going up or down, and your customer did not and they lose or win, as they correctly guess up or down; didn't they win or lose, as the quotation went up or down to-day? A. If a man —

Q. Listen; answer my question? A. Do they win or lose?

Q. Do they win or lose it? A. They might have made money or might have lost money.

Q. Did they win or lose money to-day according as the quotations went up or down? A. Some of my customers probably made money to-day, and probably some did not.

Q. I don't ask you that; did they win or lose, according as the figures went up or down — the theoretically proposition — did they lose money or win money if the list went up or down; yes, or no; you can answer that question; answer it categorically? A. I should say, yes.

Q. They won or lost as the figures moved up or down? A. They win or lose money.

Q. Did anybody win money to-day? A. Undoubtedly.

Q. Who? A. I do not keep track of individual customers.

Q. Give us the name of one man that won any money to-day? A. I could get the name of a man that won money.

Q. Do you know of the name now? A. I don't know.

Q. Did you cash his winnings? A. If a man buys stock and sells it at a profit he can always step to the cashier and get his money.

Q. Did you cash his winnings to-day; yes or no? A. If he calls a contract —

Q. Stop; I asked you a question and I want you to answer it? A. I can not answer the question.

Q. You do not know whether you did or not? A. I could not answer it.

Q. How much money did you have this morning? A. I decline to answer that question.

Chairman Lexow.— Don't you assume, Mr. Moss, that he must pay some money out to some people, or else he would not have much business left after a while.

Mr. Moss.— I want to find out who they are.

Chairman Lexow.— It seems to me under this form of doing business whenever he gives an order to purchase stock he can have men in the room taking up those orders for the sale of

stock, or may not have anybody there, so that the gamblers are bound to buy the stock —

The Witness.— They can either buy or sell; pardon me for interrupting you.

Q. But you, knowing of the list, you can have your men planted in the room there; can you not? A. I do not know whether you are going to buy or sell.

By Mr. Moss:

Q. I want to ask you about these certificates a little further; these are certificates of different companies, the Edwardsville, the Venice and the Madison? A. Yes, sir.

Q. I notice that the president of the Edwardsville, is Lewis Le Cary; the president of the Madison is Lewis Le Cary; the president of the Venice is Lewis Le Cary; and I notice the secretaries are all the same; do you know anything about these people? A. I do not.

Q. Did you buy those certificates at the same time? A. No.

Q. They are all made on the same form; how do you account for it; how do you account for that? A. I do not know that there is anything very unnatural about that.

Q. How do you account for it? A. I suppose they incorporated several different companies at the same time.

Q. Did you see them written? A. No.

Q. Not only that, the name of the stockholder is H. C. Sellen in each case — trustee; and in the case of each one of these corporations; and in all of this stock; how do you account for that? A. In those particular stocks?

Q. H. C. Sellen? A. I don't know.

Q. I notice the certificates are filled out in the same handwriting; did you notice that? A. I did not notice, sir.

Q. Whose handwriting is that? A. I don't know, sir.

By Chairman Lexow:

Q. Not only that; every one of these shares are bought on the same day, the 4th of January, 1893; how do you account for that? A. I supposed they were incorporated about the same time.

Chairman Lexow.— See if all the other stocks are bought on the same day, Mr. Moss.

Mr. Moss.— Here, we have it: The Alton Mining Company, the same president and secretary, although on a different form.

Mr. Goff.— January 4th.

Mr. Moss.— The Lockhaven, the same parties.

Mr. Goff.— January 4th.

Mr. Moss.— Those are different (indicating some other stock).

The Witness.— There are some different.

By Chairman Lexow:

Q. I would like to ask one more question; how do you account for it, Mr. Valentine, that the place of business of this company is not mentioned on any one of these certificates? A. That I don't know, sir,

Q. Neither the officers of the company, nor the place of its business? A. I don't know, sir, I am sure.

Q. That, on the contrary, a blank is left on it; how do you account for that? A. Well, perhaps, they did not locate their office at the time they issued it.

By Mr. Moss:

Q. Will you write your name, Mr. Valentine, on that piece of paper? A. Yes, sir.

Q. Have you a pen; I want it in pen; I want your penmanship. (The witness signs his name.)

Q. Will you kindly write under that 1,000? A. Yes, sir.

Mr. Moss.— That will do; thank you.

By Chairman Lexow:

Q. Mr. Valentine, when were these certificates signed? A. When were they signed?

Q. Yes? A. I don't know, sir.

Q. Are you prepared to swear that these certificates were not signed to-day? A. Yes, sir; I swear to that.

Q. You are positive of that? A. Yes, sir.

Q. Look at the ink on those certificates, and state whether or not, after looking at the ink on those certificates, you are prepared to swear they were not drawn up and written within the last week? A. I will swear to that; yes, sir.

Q. You will swear to that? A. Yes, sir.

Q. Now, you are a business man, and you know how certificates read, as a rule; don't you? A. Yes, sir.

Q. That stock is transferable on the books of that company in person or by attorney? A. Yes, sir.

Q. Don't you know that? A. Yes, sir.

Q. Now, why have you, in this certificate the following language: "This certificate is not transferable, except on the books of this company, and in accordance with its by-laws at the time the transfer is demanded?" A. You would have to put that question to the secretary or president of the company; I don't know; I am sure.

Q. Is there any by-law of any one of these companies that can be availed of now that prevents the transfer of this stock on the books of the company? A. I could not tell you, sir.

Q. Have you ever inquired? A. I have never inquired.

By Mr. Moss:

Q. Do you know Al. Adams? A. Are you speaking to me?

Q. Yes; I am talking to you? A. No, sir; I do not.

Q. Never saw him? A. No, sir; not to my knowledge.

Q. Do you know this gentleman here, Sergeant Hogan, acting captain of the First precinct; did you ever see him before? A. No; not to my knowledge.

Q. Did you ever see any policeman connected with the First precinct? A. No, sir.

Chairman Lexow.—How much longer are we going to keep the session?

Mr. Moss.—I think we had better take an adjournment.

Chairman Lexow.—Don't you want to exhaust this witness?

Mr. Moss.—No; I think we can ask him a few more questions in the morning.

Senator Bradley.—Don't you think you had better have this gentleman bring his transfer books with the account of the transfer of his stock, and so on?

Mr. Moss.—Yes.

Chairman Lexow.—If the witness is going to appear to-morrow I would like to have him prepared to answer as one of the largest stockholders of these different concerns where their office is—the city and the place where this stock can be transferred on the books of the company, who the present officers of the concerns are in each of the companies. I ask you to furnish that evidence to the committee to-morrow.

The Witness.—Supposing I am not able to?

Senator Bradley.—Then if you are not able, you are liable to State prison for selling bogus articles—green goods.

Chairman Lexow.—There is one thing that is quite certain, witness, and that is, that if this stock is bogus, and you have been trading on the gullibility of the people of this city or State on the basis of bogus stock, to your own knowledge, it is just as bad as green goods, or any other business of that kind, if not worse, because it seems to have the odor of respectability about it.

By Mr. Moss:

Q. How long have you been running that place at the Edison building? A. We opened on the 9th day of April.

Q. Since the last day of April? A. The 9th day of April.

Q. Any other places in New York besides that, and the one in Twenty-eighth street? A. That is all.

Q. How long did you run the place in Twenty-eighth street? A. About three months, I think.

Q. And conducted the business in the same way you are doing now? A. Yes.

Mr. Moss.—Will you request all witnesses to be present to-morrow?

Chairman Lexow.—All witnesses subpoenaed for to-day will attend to-morrow at half-past 10 o'clock. The witness under examination will also attend, and he is cautioned not to speak in reference to this case with anybody, except for the purpose of getting the information requested of him.

Proceedings of the forty-ninth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court-room, part III, in the city of New York, Friday, October 19, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley and Jacob A. Cantor.

Chairman Lexow.—Mr. Moss, I believe a witness is on the stand. Is he ready to go on?

Mr. Moss.—Yes, sir.

John W. Goff and Frank Moss, of counsel for committee, were both present.

Walter D. Valentine, resumed the stand, and his examination was continued:

By Mr. Moss:

Q. Have you brought any other documents with you, Mr. Valentine? A. No, sir.

Q. Have you inquired more carefully about these stocks that you brought into court? A. As near as I can ascertain, their main offices are in St. Louis, Missouri.

Q. The main offices of each of these companies? A. Yes, sir; of those particular five companies.

Q. The particular five in which you dealt? A. We deal in some 15 or 20.

Q. Well, the Venice and the Alton and the Edwardsville? A. Yes, sir.

Q. You say their principal offices are in St. Louis, Missouri? A. Yes, sir.

Q. Although they are Illinois corporations? A. Yes, sir.

By Chairman Lexow:

Q. Don't you know the addresses of the officers in St. Louis? A. I do not; no, sir.

Q. Have you ever taken any pains to discover? A. I have not.

Q. Have you found out now how much of the capital stock of each of those companies you own? A. I have not.

Q. Are you prepared to swear now that you don't own substantially the whole capital stock of each one of those companies? A. Yes, sir.

Q. How much is owned by others? A. That I don't know.

Q. As compared with the amount owned by you, how much is owned by others? A. Probably half of it, or more.

Q. Probably half by others? A. Or more; yes.

Q. Half or more; are you willing to swear that at least half is owned by others? A. Yes; I am.

Q. Who owns the other half? A. That I don't know.

Q. Are you positive about that? A. Yes, sir.

Q. Do you know the officers and secretary of the company? A. Not personally.

Q. Were those certificates drawn up in your presence? A. They were not.

Q. Did you receive them all at the same time in St. Louis? A. They were all sent to me; yes, sir.

Q. All sent to you? A. Yes, sir.

Q. From St. Louis? A. Yes, sir.

Q. How did they come to be sent to you from St. Louis? A. At my request.

Q. At your request? A. Yes, sir.

Q. You sent down an order for the purpose of getting those securities there? A. Those and some others.

Q. Do you know how much you sent down to complete this purchase? A. No, sir; I do not.

Q. You do not? A. No, sir.

Q. Did you send it in check or bills? A. I don't recollect —

Q. You don't recollect? A. — just how I did pay for it.

Q. Did you have a bank account? A. I had a bank account; yes.

Q. Did you then? A. Yes, sir.

Q. Don't you remember whether you sent down a check or bill? A. I do not.

Q. Was it a postal money order? A. I say I don't know how I remitted for them.

Q. Was this transaction so unimportant that you don't remember any of the details? A. A man that deals in stocks can not always remember every detail in regard to them.

Q. What caused you at that particular time to send for all these stocks? A. Because I wished to deal in them here.

Q. They had been brought to your attention? A. Not particularly.

Q. What did you want to deal in those particular stocks here for; are they stocks that are traded in this city? A. They have been trading in them in this city.

Q. Anybody but you? A. No one but the Stearns Commission Company.

Q. Then the fact remains that nobody but your company deals in those stocks in this city; then why is it that you sent down for those stocks; why did you want them up here if there was no market or no demand for them? A. In the course of time I created a sort of market for them.

Q. Do you know where the properties are that these stock certificates represent? A. No, sir; I couldn't state that this morning.

Q. Then you entered into a business to create a demand for stock certificates with reference to the value of which, or the property which they represent, you were entirely ignorant; is that a fact? A. Yes.

By Senator Bradley:

Q. I want to ask one question; you say that you invested your money in these stocks? A. Yes, sir.

Q. And you don't know any of those officers personally? A. No, sir.

Q. Did you ever take the trouble to look into Bradstreet's and how they were rated; the people that you sent your money to? A. I have not.

Q. And you consider yourself a business man? A. I do.

By Mr. Moss:

Q. I notice that these quotations on the tape are at regular intervals; there is an interval of about a hand's breath between each quotation; how does that happen? A. They are printed that way.

Q. Who prints them? A. I do.

Q. Where do you print them? A. In my office.

Q. Whereabouts? A. In the Edison building.

Q. Did you print these in the Edison building? A. Yes.

Q. Have you always printed them there? A. Not always.

Q. Where else did you print them? A. Where I happened to be.

Q. You printed them on Brodaway, didn't you, at one time? A. No, sir.

Q. Didn't you have a flat up on Broadway somewhere; a room at 1548 Broadway? A. No, sir.

Q. Did you print these with a typewriter? A. Yes, sir.

Q. Now, this is one roll; how many rolls do you use in a day? A. Generally about one.

Q. About one? A. Sometimes less.

Q. Do you know how many quotations there are in this roll? A. I don't know exactly; no, sir.

Q. I counted them up; I counted 555; do you question that? A. No, sir; I don't.

Q. That is about right; I notice these things about the quotations upon the roll; here is "V," which stands for Venice. I suppose? A. Yes, sir.

Q. That is represented by the stock certificates that you handed me yesterday? A. Yes, sir.

Q. And your holding was 1,000 shares at \$80 a share? A. Yes, sir.

Q. Eight thousand dollars worth? A. Yes, sir.

By Chairman Lexow:

Q. Have you ever attempted to split up any one of those certificates or to get a transfer of any one of those certificates upon the books of those so-called companies? A. I have not.

Q. Not from the time you have owned these certificates? A. No, sir.

Q. Although you have traded in them to the extent of hundred of thousands of shares every day in your business? A. No, sir; not to that extent.

Q. Hundreds of shares? A. I dealt in hundreds of shares.

Q. Have you ever made a delivery of a single certificate? A. Yes, sir.

Q. To whom? A. I couldn't state.

Q. When? A. Well, I can not state that either.

Q. Do you remember an individual case where you made a single delivery of any one of those certificates? A. Perhaps not of these particular certificates.

Q. Or of any other certificates representing that property? A. I have delivered mining stock certificates.

Q. But none of the property represented by those shares? A. I wouldn't say that I delivered any of those.

By Mr. Moss:

Q. You had this Venice certificate since the 4th of January, 1893? A. No, sir.

Q. Haven't you? A. No, sir.

Q. How long have you had it? A. I think I have had it—I think I got it in December.

Q. In December, 1893? A. Yes, sir.

By Chairman Lexow:

Q. In December, 1893? A. I think so; yes, sir.

By Mr. Moss:

Q. Isn't it your handwriting upon the face of these certificates? A. No, sir.

Q. Have you a bit of handwriting on those certificates? A. No, sir.

Senator Bradley.—How large did he say his room was where he does business, Mr. Moss?

Mr. Moss.—He said it was 50x25.

Senator Bradley.— If you were calling out this game of yours the people in the back of the room couldn't hear you call out the numbers unless you spoke out louder than you do here.

Q. Do you mean to say that you haven't a bit of handwriting on those certificates that you handed me? A. Yes, sir.

Q. That is true, isn't it? A. Yes, sir.

Q. Upon this tape, I find 112 quotations of "V," of Venice; your opening quotation was 494 5-8; now, you see, upon this letter, and you have testified that you were willing to buy or sell at 494 5-8? A. Yes, sir.

Q. Now, by various quotations, this drops to 493, 492, 491, 490 and 489; then it starts up a little bit, 491, 492; then back 491, and drops to 490; and the very last quotation of the day is 493, a point, and five-eighths less than the opening; now here are 112 quotations upon that one stock, upon that one row? A. Yes, sir.

Q. To be used during one day; you say the roll is used in a day? A. Yes, sir.

Q. You say, you were ready to buy or sell at all of these prices? A. At any one of those prices as they appeared

Q. At any one as it appeared? A. As it appeared.

Q. You knew, in advance, what was to appear, because you prepared it? A. Yes, sir.

Q. But your customers didn't know? A. No, sir; nor neither did I know what those customers were going to do.

By Chairman Lexow:

Q. But you know, as a matter of broad experience, that an ordinary man is a bull on the market and always buys; he does not sell what he hasn't got, but buys something that you have got? A. I will state this, that those markets will advance fully as much as they decline.

Q. There you show a decline of one and three-quarter per cent? A. I presume there are others that will show an advance, if Mr. Moss will look at them.

By Mr. Moss:

Q. Your customers didn't know; the game was stacked, wasn't it; you had the cards in your hands? A. I don't claim anything of the kind.

Q. Didn't you have cards in your hands when you made up this roll? A. Yes, sir.

Q. Or just before you made it? A. No, sir.

Q. Didn't you make it by the shuffling of cards? A. No, sir.

Q. You drew it out of your mind? A. Yes, sir.

Q. When you knew what was on the roll, your customers had to take the chances? A. I am the only one that knew.

Q. There was a variation in this stock from 494 5-8 at the opening to 490, somewhere about the middle of the roll, a variation of four and five-eighths points? A. Yes, sir.

Q. Now, I notice another strange thing upon this roll; this stock frequently succeeds itself; that is, quotations in this stock come right along, one after the other; then sometimes it is mixed up with other stocks; now, here is a list of four which appear one after the other: Venice, 493 1-8, Venice, 492 5-8, and the next quotation, Venice, 492 1-2; next quotation, Venice, 492 3-4; now, there are four quotations in the same stock, succeeding one after the other, and you say you were ready to buy and sell at those figures as they came out? A. Yes, sir.

Q. And you knew they were going to come out in a bunch, didn't you, because you prepared them? A. I did when I put them on there.

Q. Your customers didn't know that these quotations in the same stock were going to succeed each other? A. They don't know what I am going to offer to buy or sell; I couldn't do business that way.

By Chairman Lexow:

Q. Don't you have a copy of that roll yourself? A. No, sir; I keep no copy.

Q. Didn't you, when you made up that roll, have a copy of it? A. No, sir; I kept no copy of it then, none whatever; the only copy that I keep is when it is called off; the quotations are placed on the blackboard, and we keep a record of them.

By Senator Bradley:

Q. Did you ever see another certificate of that Venice but the one you owned there? A. I think I have.

Q. Did you ever see one of them? A. I will say I have.

Q. Now, is it not a fact that that is the only certificate that is in existence to-day? A. No, sir.

Q. That those certificates of that stock which you were offering so much for, you knew there was not one of them in existence that they are about as plentiful in the market as hen's teeth? A. No, sir.

By Mr. Moss:

Q. Captain Devery was in command of your precinct when you began business in the first precinct? A. I can not tell you.

Q. You don't know anything about it? A. No, sir.

Chairman Lexow.—Just follow up that question of Senator Bradley's.

By Chairman Lexow:

Q. Where did you see any other certificate? A. Where did I see any?

Q. Yes? A. That I couldn't state.

Q. When? A. Nor could I answer that.

Q. Where? A. You just asked me where I saw it.

Q. In whose hands? A. That I can not recollect.

Senator Bradley.—He never saw one. He knows he never saw one.

Chairman Lexow.—Still, I do not think a Senator ought to make those remarks.

Senator Bradley.—It is plain. What is the use of beating around the bush.

Chairman Lexow.—But there is no use criticising this testimony.

By Mr. Moss:

Q. Do you know that this place is situated in the first precinct? A. I couldn't even state that.

Q. Did you ever hear of Captain Devery? A. I have seen his name in the newspapers; that is all.

Q. Didn't you ever hear of him in connection with the precinct in which your place is? A. No, sir; I couldn't tell which precinct he is in or has been in.

Q. Did you know that he commanded the first precinct when he was broke? A. No, sir.

Q. Did you ever see Captain Devery in the place? A. Never to my knowledge.

Q. Did you ever see any of Captain Devery's detectives in your place? A. Not as I know of.

Q. Or any Central office detectives? A. Not as I know of.

Chairman Lexow.— We have not elicited from the witness yet one fact which seems to me important.

By Chairman Lexow: ,

Q. Did any one of your customers before engaging in the transactions marked out on that tape, with you, know that you had prepared that tape and that you knew all the quotations as they appeared upon the tape? A. Yes, sir; every customer is aware of that fact.

Q. Every customer is aware of that fact? A. Well, aware of it, yes, sir; any child can see that; it is very simple and plain.

Q. What? A. I say it is very simple and plain; they are all on there.

By Mr. Moss: ,

Q. Can anyone buy from this tape except he gives his name or initials? A. No, sir.

Q. You have to know his name or initials before he buys? A. Yes, sir. .

Q. When he gives his initials you know who he is, don't you? A. I would know what he signed to the contrary.

Q. Is that for the purpose of a contract? A. Yes, sir.

By Chairman Lexow: .

Q. Do these customers know that the stocks that they are dealing in there are the kind of stocks that you have testified to here? A. They could easily ascertain if they would make the inquiry; I could tell them just what it was.

Q. Do you mean to say that your customers are paying \$4.90. for a stock certificate that is absolutely worthless? A. I would not admit that it is absolutely worthless.

Q. Substantially, you have stated that, that it is substantially worthless? A. I have not stated that.

Q. Do they know the character of the stock that they are dealing in? A. I think they do; yes, sir.

Q. Do you explain that to them beforehand? A. I don't explain it; no, sir; it is not necessary.

Q. Then your statement here is a mere supposition or inference on your part, is it not; or do you know that they know the character of these securities? A. I don't know as they know.

By Mr. Moss:

Q. Can you say upon your oath whether any police official ever visited your place to investigate your place and to see what you are doing? A. I couldn't, on my oath.

Q. You don't know that they ever did, do you? A. No, sir; I couldn't swear that they have or have not.

Q. Have you any information that they did? A. I believe the time that The World printed some articles, at the time we first opened business, that there was some investigation, but I knew nothing about it personally.

Q. Who do you believe visited the place to make investigation? A. That I couldn't tell at all; I don't know.

Q. You have no belief on the subject? A. I haven't the slightest idea.

Q. Was there ever a case made against you? A. No, sir.

Q. Or against anyone connected with your place? A. No, sir.

Q. Was anyone ever arrested from your place? A. No, sir.

Q. Was there ever a complaint made against your place and taken to a police court or to a police official? A. Not to my knowledge.

Q. You never heard of it? A. No, sir.

Q. I find that in L—Lockhaven that stands for—you had 100 quotations yesterday; and in M—that is Madison, isn't it? A. Yes, sir.

Q. You had 126 in that; E, Edwardsville, 118; A; that is Alton, I believe, 99 quotations; a total of 55; and in at least 40 instances quotations in the same stock succeed each other, from two to three and four quotations in a string? A. Yes, sir.

Q. What object had you in doing that? A. I would give that order the same as if I was standing there and giving a verbal order; I might offer to sell or buy a stock at 91 1-4 and then I might offer 91 for it, or offer to sell it for 91; then I might bid 91 1-2 or offer to sell it for 91 1-2, which is frequently done at any stock bid on any stock exchange in the country.

Q. Your Lockhaven opened at 333 1-4; it got down to 329; down to 328; yes; 327 1-4; then it came back a little, to 331; that stock closed lower than it opened, but it had a sort of resurrection toward the end of the day, a fluctuation of six

points, and over 100 quotations, and you stood ready to buy or sell each time the quotation came out? A. Yes, sir.

Q. Madison opened at 431 3-4 and went up, Madison did, as far as 439 7-8; why, yes; to 441 1-4, but fell back at the end of the day to 439 3-4? A. That advanced more than any of the rest declined.

Q. That advanced more than any of the rest; you made it advance, didn't you? A. I suppose I offered to bid more for it.

Q. Edwardsville opened at 423 1-8, and that fell to 421, 420 1-2, and closed at 420 3-4; all in your mind, eh? A. Not in my mind; no, sir.

Q. All out of your mind? A. Yes, sir.

Q. Not out of the mine, but out of your mind? A. Out of my mind.

Q. Was there anything came out of the mine? A. That I couldn't state.

Q. Was it silver or gold? A. I think it is coal property.

Q. It might be silver, might it not? A. No; I think it is coal property.

Q. Coal in Colorado? A. No; I think they have property in Illinois.

Q. Property in Illinois? A. Yes, sir.

Q. Don't some of the certificates show that the mines are in Arizona? A. Some of them; I thought you were speaking of this particular one.

Q. Are the coal mines in Arizona? A. Not to my knowledge.

Q. Are they gold or silver mines in Arizona? A. I think they are both gold and silver mines in Arizona.

Q. On these certificates? A. No; I don't say on these certificates.

Q. Did anything ever come out of the mines to your knowledge? A. I couldn't swear that there had.

Q. The Alton opened at 429 1-4 and fell to 427 1-4, to 426 and closed at 425 1-2; that is right; isn't it? A. You state it.

Q. Look at that slip; whose handwriting is that on the back of the slip? A. I don't know, sir.

Q. That is a slip that you handed me yesetrday? A. No, sir.

Q. How? A. No, sir; I didn't hand you that slip.

Q. Why, you brought that along with your memoranda and laid it on the table here; do you deny that? A. I do; not to my knowledge; I didn't bring that to my knowledge; I brought you two slips.

Q. Look at those quotations and tell me if they are correct?
A. I know nothing about it, I am sure.

Q. Well, if you don't know we won't waste any time on it? A. I don't know who wrote them.

Q. That is one of your slips, isn't it? A. That is a part of my memoranda.

Mr. Moss.—Mr. Chairman, that is a rather rough piece of paper prepared after midnight to-day, but shows the fluctuations in those stocks (handing the chairman paper.)

By Chairman Lexow:

Q. Isn't it the regular rule in stock transactions of the speculative kind that nine out 10 dealers in stock buy instead of selling? A. No, sir.

Q. Haven't you met with that experiment? A. I have not; no, sir.

Q. Will you swear that is not the fact; that is not the general experience in the street? A. I haven't met with such experience.

Q. Will you swear that that is not the general experience? A. I will swear that I have never met with such an experience.

Q. Will you swear that you do not base your figures largely upon that fact? A. Yes, sir; I will; I will swear that I do not.

Q. How could any one of these purchasers of this stock of yours, sellers of this stock, deliver to you? A. They could deliver to me by buying this stock.

Q. Where? A. From me.

Q. From you? A. Yes.

Q. Then they would be compelled to go to you to buy stock to deliver to you upon sales made by them to you, would they? A. Yes; they could do that way.

Q. That is rather a packed market, isn't it? A. They have the privilege to either buy or sell.

Q. Isn't that a market loaded against themselves? A. No, sir; not at all.

Q. In other words, they are bound, in order to deliver the stock to you, to buy again at the quotations you yourself have provided upon the list; is that so? A. They can, I say.

Q. There is no other way, is there? A. They could if they got the stock elsewhere.

Q. Could they get it elsewhere? A. Yes, sir; we deal in stocks there that they could get thousands of shares of.





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